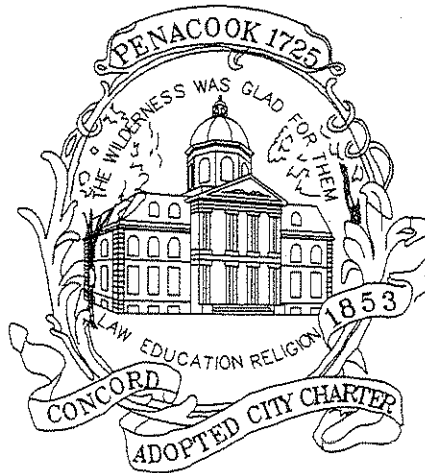


Subdivision Regulations



**City of Concord, NH
Planning Board**

Adopted May 22, 1985
Revisions through December 21, 1994

CERTIFICATION

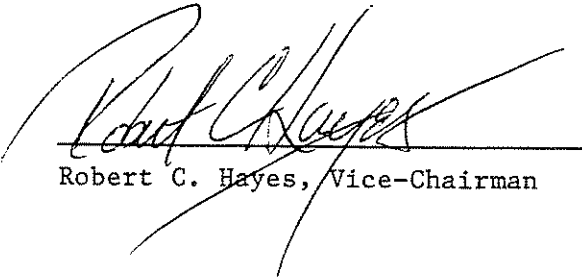
These regulations were amended on October 5, 1988 at a Special Meeting of the City Planning Board, after a duly notified Public Hearing and consideration of testimony received. Seven members of the Board were present and voted unanimously in favor of adopting these amended regulations which shall take effect on November 16, 1988.

Attest:

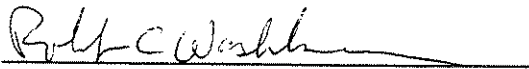
City Planning Board
City of Concord,
New Hampshire



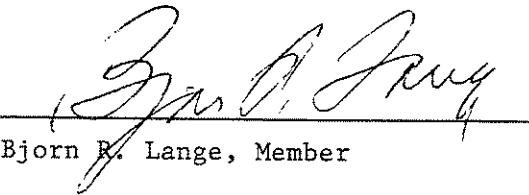
Richard W. Osborne, Chairman



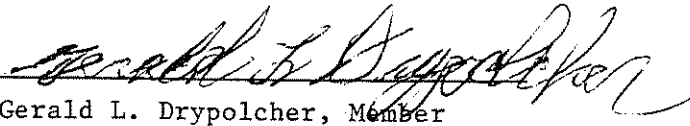
Robert C. Hayes, Vice-Chairman



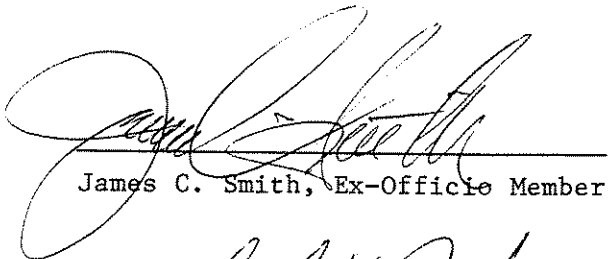
Robert C. Washburn, Council Representative



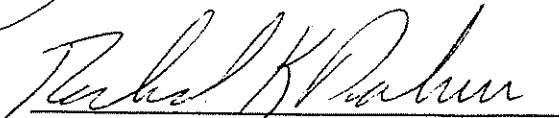
Bjorn R. Lange, Member



Gerald L. Drypolcher, Member



James C. Smith, Ex-Officio Member



Richard K. Perkins, Ex-Officio Member

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FOREWORD

Municipal regulation of the subdivision of land is permitted in N.H. under Revised Statutes Annotated Chapters 674, 675, and 676, as amended by subsequent Session Laws.

By ordinance passed November 4, 1949, with subsequent amendments, the Board of Alderman of the City of Concord authorized and empowered the City Planning Board to approve or disapprove subdivision.

The Planning Board, pursuant to the authority granted, adopted and placed into effect regulations governing land subdivision in Concord in February 7, 1950. The Board exercised, without interruption, those regulatory controls in the interest of orderly community development since that date.

These regulations were revised by the Planning Board in 1964 and 1970, with subsequent minor amendments. In 1985, the subdivision regulations were substantially revised after a complete study of the regulations then in effect, and were revised to incorporate improved practices, procedures and new technological standards and designs. Amendments to these regulations were adopted by the Planning Board on October 5, 1988, to be effective on November 16, 1988.

CITY OF CONCORD
NEW HAMPSHIRE

Planning Board

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Robert C. Hayes, Vice Chairman
Leon LaFreniere
Bjorn R. Lange
Susanne Meyer
Gerald L. Drypolcher

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Ex-Officio Members

Robert C. Washburn, City Council Representative
James C. Smith, City Manager
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Randall P. Raymond, Planning Director
Stephen L. Henninger, Assistant Planning Director
Robert W. Pollock, Jr., Senior Planner
Michael A. Toepfer, Associate Planner
Carmen J. Osgood, Administrative Clerk

SUBDIVISION REGULATIONS

SECTION 1 Authority

- 1.01 Pursuant to the authority vested in the Concord Planning Board by the City of Concord, New Hampshire; and in accordance with the provisions of Chapters 674, 675, and 676, N.H. Revised Statutes Annotated, and with provisions of the Municipal Code of Ordinances, Concord, New Hampshire, Title IV, Chapter 29, the Planning Board adopts the following regulations governing the subdivision of land in the City of Concord, New Hampshire.
- 1.02 By the same authority, the Planning Board shall have the authority to approve or disapprove plats for the subdivision of land (N.H. RSA 674:35). Every plat approved by the Planning Board shall be deemed an amendment of, or an addition to, or a detail of the official map (N.H. RSA 674:38).

SECTION 2 Policy (N.H. RSA 674:1, 674:36)

- 2.01 It is hereby declared to be the policy of the Planning Board of the City of Concord to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the municipality for the orderly, planned, efficient, economical and environmentally sensitive development of the municipality.
- 2.02 Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until available public facilities, and improvements exist and proper provision has been made for drainage, surface and ground water, sewerage, and capital improvements such as schools, parks, recreation facilities, open space, transportation facilities, and improvements.
- 2.03 The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the Master Plan Reports, and Official Map of the municipality, and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, health codes, and zoning ordinances (N.H. RSA 674:3, 4, 9-11).

SECTION 3 Purposes (N.H. RSA 674: 36)

These regulations are adopted for the following purposes:

- 3.01 To protect and provide for the public health, safety, and prosperity of the municipality.
- 3.02 To provide for future harmonious growth and provide against such scattered or premature subdivision of land in the development of the municipality, in accordance with the Master Plan Reports.
- 3.03 To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- 3.04 To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- 3.05 To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- 3.06 To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings. To provide for the proper location and width of streets and building lines, and for their proper arrangement and coordination within a subdivision or plan.
- 3.07 To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and uses of land; and to insure proper legal descriptions and monumenting of subdivided land.
- 3.08 To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
- 3.09 To prevent the pollution of air, streams, ponds, and groundwater; to assure the adequacy of drainage facilities;

3.09 (continued)

to safeguard the water table; and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of land.

3.10 To preserve the natural beauty and topography of the municipality and to insure appropriate development with regard to these natural features.

3.11 To provide for open spaces through the most efficient design and layout of the land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in the zoning ordinance of the municipality.

SECTION 4 Jurisdiction (N.H. RSA 673:1 I)

- 4.01 These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the corporate limits of the municipality.
- 4.02 No land shall be subdivided or lots transferred within the corporate limits of the municipality until a subdivision plat for said land has been prepared in accordance with these regulations, been approved by the Board, been endorsed by the Chairman and Clerk of the Board, and filed at the Merrimack County Registry of Deeds.
- 4.03 No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and which is not in conformity with, the provisions of these subdivision regulations.

SECTION 5 Enactment (N.H. RSA 674:42)

In order that land may be subdivided in accordance with these purposes and policy, these subdivision regulations are hereby adopted on May 22, 1985. These regulations shall be in force upon certification of the Planning Board, and effective on July 18, 1985.

Amendment

Adopted

Certified

General Amendment

October 5, 1988

November 16, 1988

SECTION 6 Definitions

6.01 Usage

- (1) For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted and defined as set forth in this section.
- (2) Unless clearly indicated to the contrary; words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations," the word "regulations" means "these regulations."
- (3) A "person" includes natural persons as well as a corporation, partnership, an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied"; "municipality" means City of Concord, New Hampshire and any term in the masculine shall include the feminine and the neuter.
- (4) Words not specifically defined herein shall have their common meaning.

6.02 Definitions

For the purpose of these regulations, the following words shall be known and defined as:

***ABUTTER:** Abutter means any person whose property adjoins or is directly across the street, river, or stream from the land under consideration by the Planning Board, or such person as defined by N.H. RSA 676:4.

***APPLICANT:** The owner or designated agent of the owner of land proposed to be subdivided who seeks Planning Board approval as specified in these regulations.

***BLOCK:** A tract of land bounded by streets, by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, boundary lines of municipalities, or other topographic features.

***BOND:** Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit.

*BUILDING: Any structure used or intended for supporting or sheltering any use of occupancy. Any structure which is defined in Chapter 29, Building Code, of the Municipal Code of Ordinances, City of Concord.

*CAPITAL IMPROVEMENT BUDGET: A six-year financial plan prepared by the City Manager and submitted to the City Council for approval. The first year of the said period plan is included in the City budget for the current year and an additional year's planning is projected each year as provided in Title I, Chapter 2 of the Municipal Code of Ordinances.

*CAPITAL IMPROVEMENT PROGRAM: A proposed twenty-year schedule of all future municipal projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase, construction, or replacement of the physical assets for the community are included.

*CITY ENGINEER: The Director of Public Works

*CONSTRUCTION PLAN: The maps or drawings accompanying a subdivision plat showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Board as a condition of the approval of the plat.

*DENSITY DISTRICTS: Those zoning districts in which the minimum lot size is expressed in square feet. The classifications are:

- (a) High Density: Those zoning districts in which the minimum lot size is equal to or less than 10,000 square feet.
- (b) Medium Density: Those zoning districts in which the minimum lot size is between 10,000 and 40,000 square feet.
- (c) Low Density: Those zoning districts in which the minimum lot size is equal to or greater than 40,000 square feet.

*DESIGN REVIEW COMMITTEE: A board established by the Planning Board to provide technical advisory services in the areas of architecture, landscape architecture, urban design, and graphic arts.

*DWELLING UNITS: Any room or suite of rooms forming a habitable unit for one family with its own cooking and food storage equipment and its own bathing and toilet facilities and its own living, sleeping, and eating areas wholly within such room or suite of rooms, as defined in Chapter 28, Zoning Ordinance, Municipal Code of Ordinances, Concord, New Hampshire.

SECTION 6.02 Definitions (continued)

*EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

*ESCROW: A deposit of cash with the municipality in lieu of an amount required and still in force on a performance or maintenance bond.

*FINAL PLAT: The final detailed map or plan or record of a subdivision and any accompanying material, as described in these regulations.

*FLEXIBLE ZONING: Zoning which permits a variety of uses of land and density of buildings and structures. Flexible zoning applications shall include, but not be limited to planned unit developments, open space residential development (Cluster Development), and attached and multi-family dwellings.

*FLOOD HAZARD: That area subject to a flood as defined in Chapter 28 of the Municipal Code to include:

- (a) Flood: A temporary rise in a stream flow that results in the water over-topping its banks adjacent to the floodway and floodplain.
- (b) Floodplain: The land adjacent to a body of water which has been or may hereafter be covered by flood water, as delineated on the official zoning map of the City of Concord.
- (c) Floodway: The channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the flood waters of flood flows of any stream, as delineated on the official zoning map of the City of Concord.

*FRONTAGE: That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot. A line dividing a lot from a street from which access is legally available.

*GRADE: The slope of a road, street, or other public way, specified in percentage (%) terms.

*HEALTH DEPARTMENT & HEALTH OFFICER: The agency and person designated to administer the Health Regulations, Title I, Chapter II of the Municipal Code of Ordinances of the City of Concord.

SECTION 6.02 Definitions (continued)

*IMPROVEMENTS:

- (a) Capital Improvement: As defined in the Municipal Code, Title I, Chapter 2.2, Article 2, or any physical public betterment or improvement and any preliminary studies and surveys relative thereto; the acquisition of property of a permanent nature; or the purchase of equipment for any public betterment or improvement when first erected or acquired.
- (b) Lot Improvement: Any building, structure, place, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.
- (c) Public Improvement: Any drainage ditch, roadway, park sidewalk, tree, off-street parking lot, lot improvement or other facility for which the City of Concord may ultimately assume the responsibility for maintenance and operation or for which the City's responsibility is already established.
- (d) Temporary Improvement: An improvement built and maintained by a subdivider during construction of the subdivision and prior to release of a performance bond.

*INDIVIDUAL SEWAGE DISPOSAL SYSTEM: A septic tank, seepage tile disposal system, or any other approved sewage treatment device approved by the State of New Hampshire Department of Environmental Services.

*LICENSED ARCHITECT: An architect properly licensed and registered in the State of New Hampshire.

*LICENSED ENGINEER: An engineer properly licensed and registered in the State of New Hampshire.

*LICENSED LAND SURVEYOR: A land surveyor properly licensed and registered in the State of New Hampshire.

*LOT: The whole area of a single parcel of land, a tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development. A lot is an area with ascertainable boundaries in single or joint ownership, undivided by a street, established by deed(s) of record or a segment of land ownership defined by lot boundary lines on an approved subdivision plan.

SECTION 6.02 Definitions (continued)

*LOT, CORNER: A lot situated at the intersection of two streets.

*MAJOR SUBDIVISION: All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of the local governmental facilities, or the creation of any public improvements.

*MASTER PLAN REPORTS: A comprehensive plan consisting of documents, maps and reports for development of the City of Concord, prepared and adopted by the Planning Board, pursuant to N.H. RSA 671:1-4, and including any part of such plan separately adopted and any amendment or parts to such a plan.

*MINOR SUBDIVISION: Any subdivision containing three (3) or less lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Master Plan Reports, Official Map, Zoning Ordinance, Health Regulations or these regulations.

*MUNICIPAL GOVERNMENT: For the purposes of these regulations, the City of Concord which is authorized by law to enforce subdivision regulations and adopt ordinances.

*MODEL HOME: A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision.

*NONRESIDENTIAL SUBDIVISION: A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.

*OFF-SITE: Any premises not located within the area of the property to be subdivided, whether or not the same ownership of the applicant for subdivision approval.

*OFFICIAL MAP: The map established by the City of Concord pursuant to N.H. RSA 674:9-11 and Title I, Chapter 14 of the Municipal Code of Ordinances showing the streets, highways, and parks and drainage systems and set-back lines thereto fore laid out, adopted and established by law, and any amendments or additions thereto adopted by the City of Concord or additions thereto resulting from the approval of subdivision plats by the Planning Board and the subsequent filing of such approved plats.

*ORDINANCE: Any legislative action, however denominated, of the City of Concord which has the force of law, including any amendment or repeal of any ordinance.

SECTION 6.02 Definitions (continued)

*OWNER: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

*PLANNING BOARD: The City of Concord's Planning Board established in accordance with N.H. RSA Chapter 673.

*PRELIMINARY PLAT: The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Planning Board for approval. See Sketch Plan, Final Plat.

*RESUBDIVISION: A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions. See Subdivision.

*RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right-of-way" for landplattting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use for the specific purpose by the maker of the plat on which such right-of-way is established.

*ROAD RIGHT-OF-WAY WIDTH: The distance between property lines measured at right angles to the center line of the street.

*SALE OR LEASE: Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer, or an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession, or other written instrument.

*STREET TREE: A tree in a public place, street, special easement, or right-of-way adjoining a street as provided in these regulations.

*SKETCH PLAN: A sketch preparatory to the preparation of the preliminary plat.

SECTION 6.02 Definitions (continued)

*STREET CLASSIFICATION: For the purpose of providing for the the development of the streets, highways, roads, and rights-of-way in the City, and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway, road and right-of-way and those located on approved and filed plats, have been designated on the Official Map of the City of Concord and classified therein. The classification of each street, highway, road and right-of-way is based upon its location in the respective zoning districts of the City and its present and estimated future traffic volume and its relative importance and function as specified in the Master Plan Reports. The required improvements shall be as set forth for each street classification on the Official Map. The following classifications are:

- (a) Highway, Limited Access: A freeway, or expressway, providing a trafficway for through traffic, in respect to which owners or occupants of abutting property on lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic way.
- (b) Primary Arterial Street: A road intended to move through traffic to and from such major attractors as central business districts, regional shopping centers, major industrial areas, and similar traffic generators within the governmental unit; and or as a route to traffic between communities or large areas.
- (c) Secondary Arterial Street: A road intended to collect and distribute traffic in a manner similar to primary arterials, except that these roads service minor traffic generating areas such as community commercial areas, primary and secondary educational plants, hospitals, major recreational areas, churches, and offices and/or designed to carry traffic from collector streets to the system of primary arterials.
- (d) Collector Street: Those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
- (e) Minor Streets: Those used primarily for access to abutting properties, designed and intended to carry through traffic.

SECTION 6.02 Definitions (continued)

- (f) Marginal Access Streets: Minor streets which are parallel to and adjacent to arterial streets and highways; and which provide access to abutting properties and protection from through traffic.
- (g) Cul-de-Sac: A minor street intended as a permanent dead end with only one outlet and having an appropriate terminus for the safe and convenient reversal of traffic movements.
- (h) Alley: A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

*SUBDIVIDER: Any person who:

- (a) Having an interest in land, causes it, directly or indirectly, to be divided into a subdivision; or who
- (b) Directly or indirectly, sells, leases, or develops or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plat in a subdivision; and who
- (c) Engages directly or through an agency in the business of selling, leasing, developing or offering for sale, lease, or development, a subdivision of any interest, lot, parcel site, unit, or plat in a subdivision; and who
- (d) Is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

*SUBDIVISION:

- (a) "Subdivision" means the division of the lot, tract, or parcel of land into 2 or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.
- (b) The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision.

SECTION 6.02 Definitions (continued)

- (c) The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unmanned structure which is less than 200 square feet, shall not be construed as a subdivision and shall not be deemed to create any new division of land for any other purpose.

*SUBDIVISION AGENT: Any person who represents, or acts for or on behalf of a subdivider in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services.

*USEABLE LAND: Land other than the following:

- (a) Land subject to excessive erosion;
- (b) Land having gradients greater than fifteen (15) percent;
- (c) Wetlands;
- (d) Land placed in the Floodplain (F1) or Floodway (F2) zoning districts;
- (e) Land placed in a Streambank and Shoreline (SS) zoning district;
- (f) Land which is subject to existing easements, covenants, or other legal restrictions which prohibit development or otherwise disallow the construction or placement of buildings or structures on said land;
- (g) Dumps, landfills, and stump dumps;
- (h) Airport Clear Zones.

*WETLAND: Those areas identified and delineated by the U.S. Soil Conservation Service as very poorly drained soils.

*VACATION OF A PLAT: A legal procedure to make a plat null and void; the annulment of a plat by the Planning Board.

*ZONING: Refers to the Zoning Ordinance of the City of Concord, New Hampshire as provided in the Municipal Code of Ordinances, Chapter 28.

SECTION 7 Subdivision Application Procedure and Approval Process

7.01 General Procedure

- (1) Classification of Subdivisions: Whenever any subdivision of land is proposed, before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the following procedures. The Planning Department staff shall classify the subdivision. The Planning Board shall confirm or reclassify when the application is presented to the Board.

- (a) Classifications are:

(i) Minor Subdivision

(ii) Major Subdivision

- (b) For the purpose of these regulations, Cluster Developments, Planned Unit Developments, and Attached and Multi-Family Developments shall be classified as Major Subdivisions.

- (c) For the purpose of these regulations, existing developments proposed for conversion to condominiums shall be classified as Minor Subdivisions where there will be no change in the use of the land and no change in the site layout. Developments proposed for conversion to condominiums involving a change of use of the land or a change in the site layout shall be classified as Major Subdivisions.

- (2) Application Procedure Stages

- (a) There are three stages for all Major Subdivisions:

Sketch Plan Stage, which is Optional;
Preliminary Plat Stage;
Final Plat Stage.

- (b) There is one stage for Minor Subdivision:

Final Plat Stage

The Planning Board may modify the procedural stages where indicated in the following classification procedures.

SECTION 7.01 General Procedure (continued)

- (3) Pre-Application Consultation: A developer may seek the advice of the Planning Board prior to submission of an application. Consultation shall occur only at the regularly scheduled monthly meeting of the Planning Board as set forth in the following Classification Procedures (N.H. RSA 676:4).
- (4) Application Deadlines: A schedule of dates and times for subdivision application deadlines is established each year by the Planning Department prior to the public hearing, and allow advance time for Planning Department Staff to review and comment on applications. The schedule is available January 2nd of each year from the Planning Department (N.H. RSA 676:4).
- (5) Official Submission Date: For the purpose of these regulations, the date of the regular meeting of the Planning Board at which the application was accepted as complete, shall constitute the official submittal date of the plat at which the statutory period of ninety (90) days for formal approval or disapproval of a plat shall commence to run (N.H. RSA 676:4).
- (6) Resubdivision of Land
 - (a) Procedure for Resubdivision: For any change in an approved or recorded subdivision plat, if such change affects any street layout shown on such plat, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions, such change shall be approved by the Planning Board by the same procedure, rules, and regulations as for a subdivision, subject to confirmation of classification by the Planning Board.
 - (b) Procedure for Subdivision Where Future Resubdivision Is Indicated: Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be resubdivided into small building sites, the Planning Board may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. The dedication of land for the future opening and extension of such streets may be made a requirement of the plat.

SECTION 7.01 General Procedure (continued)

(7) Transfer of Plat Approval From Applicant to a Third Party:

Where ownership of the land to be subdivided is transferred prior to the signing of the approved plat:

- (a) The original Applicant-Owner shall submit an Acknowledgment of Planning Board Action as provided in Section 11.07.
- (b) The third party must file with the Planning Board:
 - (i) The deed to show title to the property subject to plat approval, and
 - (ii) Evidence of a legal binding agreement of the right to the property and the right to use approved plans of the original Applicant. The third party must show that permission is given by any and all parties responsible for the preparation and submission of the approved plans.

- (8) Special Investigations: The Planning Board, at its discretion, may either request the applicant to prepare special studies of public facilities and utilities, natural resources, environmental quality issues, or fiscal and economic impacts at the applicant's expense, or contract with a consultant to perform these studies at the applicant's expense.

- (9) Review of Applications: In the review of applications, the Planning Board may contract with consultants to review all or portions of any application, an environmental impact statement, or any special study requested by the Planning Board. This review shall be at the applicant's expense.

7.02 Minor Subdivision Procedure

(1) General

- (a) Planning Department Inquiry: Any applicant proposing to create a minor subdivision as defined in these regulations should make an initial inquiry to the Planning Department to discuss: classification of the subdivision, merits of the subdivision, and conformance with City Ordinances and Regulations including Zoning and Health Ordinances and Subdivision Regulations.

- (b) Preapplication Consultation Option and Procedure:

Before preparing the plat for a minor subdivision, the potential applicant may discuss with the Planning Board the procedure for application of a subdivision plat and the requirements as to general

SECTION 7.02 Minor Subdivision Procedure (continued)

layout of streets and for reservations of land, street improvements, drainage, utilities, fire protection, and similar matters, as well as the availability of existing services. The Planning Board may advise the potential applicant, where appropriate, to discuss the proposed subdivision with those officials who must eventually approve those aspects of the subdivision plat coming within their jurisdiction.

- (i) The potential applicant may seek the advice of the Planning Board only at a regularly scheduled meeting when the agenda category of "Pre-Application Consultation" or "other business" is called. A preapplication consultation may be sought for the purpose of discussing Planning Board policies, standards and conclusions derived from the Master Plan Reports, which reflect community resources, needs, and goals; so that potential applicant may evaluate whether his subdivision concept is consistent with the Master Plan prior to submittal of an application. This consultation does not include a formal written application nor a submission to the Planning Board for consideration or approval.
- (ii) The Planning Board and developer may discuss proposals in conceptual form only, and in general terms, such as the desirability of types of development. No written or formal application may be made at that time.
- (iii) Preapplication Consultation shall not bind either the potential applicant or the Board.

No application fee is required.

- (iv) An application may be submitted no earlier than the next regular meeting of the Planning Board.
- (c) Where the proposed subdivision is of such small size, involves three lots or less, presents no engineering problems, and few, if any, planning problems, the Planning Board may classify the subdivisions as minor. An applicant for a minor subdivision shall seek Final Plat approval. A public hearing shall be held at the Final Plat stage. The Planning Board may require documentation in addition to that submitted with the Final Plat application where necessary.

SECTION 7.02 Minor Subdivision Procedure (continued)

- (d) Information regarding the minor subdivision shall be provided by the applicant to include:
 - (i) Final Plat requirements, Section 8; and
 - (ii) Design Standards and Requirements for Improvements, Section 9.
 - (e) Application Fee: Any application for approval of a minor subdivision shall be accompanied by a non-refundable fee of seventy (\$70.00) dollars for one to three lots. This fee covers the cost of the filing of a plat at the Merrimack County Registry of Deeds.
- (2) Minor Subdivision Application Requirements
- (a) Application Procedure and Requirements: The applicant shall file with the Planning Board, in accordance with application deadlines, a request for final approval of a minor subdivision. A complete application is one which shall:
 - (i) be made on forms available at the Planning Department Office, and comply with application deadlines;
 - (ii) include the application fee which is due and payable upon submission;
 - (iii) be accompanied by two (2) copies of the final subdivision plat;
 - (iv) be accompanied by plans and documents required in Section 8, in accordance with requirements for design and improvements in Section 9;
 - (v) be accompanied by all formal legal instruments where required in these regulations; deeds, easements, and irrevocable offers of dedication to the public of all streets, local government uses, utilities, and parks, in a form approved by the City Solicitor;
 - (vi) be accompanied by written assurance from the public utility companies that proposed utilities will be installed in accordance with plans submitted as part of the application;
 - (vii) include a list of names and addresses of all abutters as indicated in the records of the

SECTION 7.02 Minor Subdivision Procedure (continued)

City Tax Assessor not more than five (5) days before the filing of the application;

- (viii) be submitted and endorsed by the owner, or submitted by his representative where consent from the owner is obtained and shown by the representative;
 - (ix) be submitted and endorsed by the owner, or submitted by his representative where consent from the owner is obtained and shown by the representative;
 - (x) include all contiguous holdings of the owner including land in the same ownership with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates of respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the Merrimack County Registry of Deeds office. The affidavit shall advise as to the legal owner of the property, the contract owner of the property, the date contract of sale was executed, and, if any corporations are involved, certify that the application has been duly authorized and that the officer who endorses the application is entitled to do so.
- (b) Notice to Applicant, Abutters and Public: Based on the initial classification by the Planning Department, the Planning Board shall notify the abutters and the applicant by certified mail, return receipt requested, of the date upon which the application will be formally submitted to the Board. Notice will be mailed at least 10 days prior to submission. The Planning Board shall notify the public at the same time by posting the notice at City Hall, City Library, and the Police Station Kiosk.
- (c) Classification: The Planning Board shall confirm or reclassify the minor subdivision at a regularly scheduled meeting with notice that the Final Plat is on the agenda.
- (d) Determination if Application is Complete: Upon receipt of an application, the Board shall determine if the application is complete pursuant to Section

SECTION 7.02 Minor Subdivision Procedure (continued)

7.02 (2)(a). If it is determined that the application is complete, the Board shall accept the application for further consideration. If it is determined that the application is incomplete, the Board shall take no further action on said application. An application which is determined to be incomplete may be revised and resubmitted to a subsequent meeting of the Board.

- (e) Public Hearing: The Planning Board shall hold a public hearing on the completed application. Notice of public hearing shall be given as described in 7.02 (2)(b). Any abutter or any person with a direct interest in the matter may testify in person or in writing.

(3) Consideration of, and Action on, the Application

- (a) Period of Consideration: The Board shall have ninety (90) days within which to consider and act on the application. The ninety (90) day period shall commence upon the date of the regular meeting of the Board at which the application was accepted as complete.
- (b) Board Action on the Final Plat: After the Planning Board has reviewed and considered the Final Plat and Planning Department reports, the applicant shall be advised of any required changes or additions. The Planning Board shall approve, modify and approve, or disapprove the subdivision application by resolution which shall set forth any conditions to which the approval is subject, or state the grounds for disapproval for the record. A copy of the resolution shall be forwarded to the applicant.
- (c) Public Improvements: The Planning Board may require that all public improvements be installed and dedicated prior to the signing of the subdivision plat by the Chairman of the Planning Board. If the Planning Board shall not require that all public improvements be installed and dedicated prior to signing of the subdivision plat by the Chairman of the Planning Board, a financial guarantee shall be provided, the amount of which shall be established by the Planning Board based upon the recommendation of the Director of Public Works.

In the final resolution, the Planning Board shall stipulate the period of time within which the financial guarantee shall be filed. In no event shall a financial guarantee be submitted later than six (6) months from the date of final resolution,

SECTION 7.02 Minor Subdivision Procedure (continued)

together with all required documents and completion of required procedures. In no event shall the period of time stipulated by the Planning Board for completion of required improvements under the terms of the guarantee exceed two (2) years from the date of the final resolution. One copy of the final resolution shall be forwarded to the subdivider.

(d) Signing of Plat

- (i) When a bond is required, the Chairman of the Planning Board and the Clerk to the Planning Board shall endorse approval on the plat after the bond has been approved and all the conditions of the resolution, as set forth in Section 7.02 (3)(b), pertaining to the plat have been satisfied.
- (ii) When installation of improvements is required, the Chairman of the Planning Board and Clerk of the Planning Board shall endorse approval on the plat after all conditions of the resolution have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory as shown by a certificate signed by the Director of Public Works, and a certificate by the City Solicitor that the required dedication of public lands and improvements has been accomplished.

(e) Recording of Plat

- (i) The Chairman and Clerk shall endorse the reproducible mylar original of the subdivision plat. One print of the original shall be placed on file in the Planning Department Office.
- (ii) It shall be the responsibility of the Clerk to the Planning Board to file the plat with the Merrimack County Registry of Deeds Office within thirty (30) days of the date of signature. Simultaneously with the filing of the plat, the Clerk to the Planning Board shall record such legal documents as shall be required to be recorded by the City Solicitor.
- (iii) Any approved plat not filed at the Merrimack County Registry of Deeds within one (1) year

SECTION 7.02 Minor Subdivision Procedure (continued)

of the date of the final resolution of the Board, shall be null and void.

- (f) Building Permits and Certificates of Occupancy: No building permit or certificate of occupancy shall be issued within a subdivision except as provided in Section 10.05.

7.03 Major Subdivision Procedure

(1) General

- (a) The application procedure and approval process for Cluster Development, Planned Unit Development, and Attached and Multi-Family Development shall be as set forth for Major Subdivisions in this section.
- (b) Planning Department Inquiry: A developer preparing to create a major subdivision, as defined in these regulations, should make an initial inquiry to the Planning Department to discuss the merits of the planned subdivision and its conformance with the City Zoning and Health Ordinances and the City Subdivision Regulations. During this interview, the Planning staff and developer should review all pertinent information available relative to soils, available utilities, zoning districts, engineering data and records of restrictions affecting the lot.
- (c) A developer may also seek a Pre-application Consultation with the Planning Board, as described in this section.
- (d) An applicant may prepare a Sketch Plan, and then shall prepare Preliminary Plat and Final Plat, in that order, pending Planning Board approval of each stage.
- (e) Plans, plats and documents to be submitted at each stage are described in Section 8.
- (f) Required improvements and design standards for development are described in Section 9.
- (g) Assurances for completion and maintenance of improvements are described in Section 10.
- (h) In the case of a Planned Unit Development (PUD), plans and an Environmental Impact Statement shall be prepared in accordance with the requirements of the Zoning Ordinance in addition to the requirements of these regulations.

SECTION 7.03 Major Subdivision Procedure (continued)

(1) Application Fee: Any application for the approval of a major subdivision shall be accompanied by a non-refundable fee according to the following schedule:

(i) Application for 1-3 lots or units:

Seventy Dollars (\$70.00)

(ii) Application for 4-10 lots or units:

One Hundred & Fifty Dollars (\$150.00)

(iii) Application for 11-30 lots or units:

Two Hundred & Fifty Dollars (\$250.00)

(iv) Application for over 30 lots or units:

Three Hundred & Fifty Dollars (\$350.00)
plus Two Dollars and Fifty Cents (\$2.50)
for each lot or unit over 30 lots or units.

This fee covers the cost of filing of a plat at the Merrimack County Registry of Deeds as well as site inspections by the City Planning Department.

(2) Preapplication Consultation Option and Procedure: Before preparing the Sketch Plan for a major subdivision, the developer may discuss with the Planning Board the procedure for adoption of a subdivision plat and the requirements as to general layout of streets and for reservations of land, street improvements, drainage, utilities, fire protection, and similar matters, as well as the availability of existing services. The Planning Board may advise the developer, where appropriate, to discuss the proposed subdivision with those officials who must eventually approve these aspects of the subdivision plat coming within their jurisdiction.

(a) The developer may seek the advise of the Planning Board only at a regularly scheduled meeting when the agenda category of "other business" is called. A preapplication consultation may be sought for purpose of discussing Planning Board policies, standards and conclusions derived from the Master Plan Reports, which reflect community resources, needs, and goals; so that a developer may evaluate whether his subdivision concept is consistent with the Master Plan prior to submittal of an application. This consultation does not include a

SECTION 7.03 Major Subdivision Procedure (continued)

formal written application nor a submission to the Planning Board for consideration or approval.

- (b) The Planning Board and developer may discuss proposals in conceptual form only, and in general terms, such as the desirability of types of development. No written or formal application may be made at this time.
- (c) Preapplication Consultation shall not bind either the applicant or the Board. No application fee is required.
- (d) A Sketch Plan may be submitted no earlier than the next regular meeting of the Planning Board after the Preapplication Consultation.

(3) Sketch Plan Procedure (Optional)

- (a) Application Procedure and Requirements: The applicant may file an application for approval of a Sketch Plan. A complete application is one which shall:
 - (i) Be made on forms available at the office of the Planning Department, and comply with application deadlines above.
 - (ii) Be submitted and endorsed by the owner, or submitted by his representative where consent from the owner is obtained and shown by the representative.
 - (iii) Include all contiguous holdings of the owner including land in the same ownership with an indication of the portion which is proposed to be subdivided, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the Merrimack County Registry of Deeds Office. The affidavit shall advise as to the legal owner of the property, the contract owner of the property, the date contract of sale was executed, and, if any corporations are involved, certify that the application has been duly authorized and that the officer who endorses the application is entitled to do so
 - (iv) Include a list of names and addresses of all

SECTION 7.03 Major Subdivision Procedure (continued)

abutters as indicated in the records of the City Tax Assessor not more than five (5) days before the filing of the application.

- (v) Be accompanied by a minimum of six (6) copies of the Sketch Plan as described in these regulations.
 - (vi) Be accompanied by plans and documents required in Section 8, in accordance with requirements for design standards and improvements in Section 9.
 - (vii) Be accompanied by the application fee which is due and payable on submission.
- (b) Notice to Applicant, Abutters and the Public: The Planning Board shall notify the abutters and the applicant by certified mail, return receipt requested, of the date upon which the application will be formally submitted to the Board. Notice will be mailed at least 10 days prior to submission. The Planning Board shall notify the public at the same time by posting the notice in City Hall, City Library and Police Station Kiosk.
- (c) Classification: The Planning Board shall confirm or reclassify the major subdivision, as defined in these regulations, at a regularly scheduled meeting with notice that the sketch plan is on the agenda.
- (d) Determination if Application is Complete: Upon receipt of an application, the Board shall determine if the application is complete pursuant to Section 7.03 (3)(a) above. If it is determined that the application is complete, the Board shall accept the application for further consideration. If it is determined that the application is incomplete, the Board shall take no further action on said application. An application which is determined to be incomplete may be revised and resubmitted to a subsequent meeting of the Board.
- (e) Period of Consideration: The Board shall have ninety (90) days within which to consider and act upon the application. The ninety (90) day period shall commence upon the date of the regular meeting of the Board at which the application was accepted as complete.
- (f) Field Trip: A field trip may be scheduled by the Planning Board to visit and inspect the site of the

SECTION 7.03 Major Subdivision Procedure (continued)

proposed major subdivision, accompanied by the applicant or his representative. Temporary staking along the center line of all proposed roads in the subdivision will be required in time for such field trip, or if impractical, the Planning Board shall permit a suitable alternative procedure.

(g) Board Action on the Sketch Plan: After reviewing and discussing the sketch plan, Planning Department report, and other reports as submitted by invited agencies and officials, the Planning Board will advise the application of the specific changes or additions, if any, in the layout, and the character and extent of required improvements and reservations which it will require as a prerequisite to the approval of the subdivision plat. The Planning Board may require additional changes as a result of further study of the subdivision in final form. When the Planning Board finds the sketch plans and data do not meet the objectives, standards, or purposes of these regulations, it shall deny approval of the sketch plan and state the grounds on the record. Approval of a sketch plan constitutes approval to submit the next stage in the application procedure and does not constitute final subdivision approval.

(h) A preliminary plat may be submitted no earlier than the next regular meeting of the Board after the approval of the Sketch Plan.

(4) Preliminary Plat

- (a) Application Procedure and Requirements: The applicant shall file an application for approval of a preliminary plat. A complete application is one which shall:
- (i) Be made on forms available at the Planning Department Office and shall comply with application deadlines;
 - (ii) Be submitted and endorsed by the owner, or submitted by his representative where consent from the owner is obtained and shown by the representative;
 - (iii) Include a list of names and addresses of all abutters as indicated in the records of the City Tax Assessor not more than five (5) days before the filing of the application;

SECTION 7.03 Major Subdivision Procedure (continued)

- (iv) Be accompanied by a minimum of six (6) copies of the preliminary plat as described in these regulations;
 - (v) Be accompanied by plans and documents required in Section 8, in accordance with the requirements for design standards and improvements in Section 9;
 - (vi) Comply in all respects with the sketch plan as approved;
 - (vii) In the case of a Planned Unit Development (PUD), include an environmental impact statement as required in the Zoning Ordinance.
- (b) Notice to Applicant, Abutters, and Public: The Planning Board shall notify the abutters and the applicant by certified mail, return receipt requested, of the date of the meeting at which the application will be formally received by the Board. Notice will be mailed at least ten (10) days prior to the date of the meeting. The Planning Board shall notify the public at the same time by posting the notice at City Hall, City Library, and the Police Station Kiosk.
- (c) Determination if Application is Complete: Upon receipt of an application, the Board shall determine if the application is complete pursuant to Section 7.03 (4)(a). If it is determined that the application is complete, the Board shall accept the application for further consideration. If it is determined that the application is incomplete, the Board shall take no further action on said application. An application which is determined to be incomplete may be revised and resubmitted to a subsequent meeting of the Board.
- (d) Public Hearing: The Planning Board shall hold a public hearing on the completed application. Notice of the public hearing shall be given as described in 7.03 (4)(b). Any abutter or any person with a direct interest in the matter may testify in person or in writing.
- (e) Period of Consideration: The Board shall have ninety (90) days within which to consider and act on the application. The ninety (90) day period shall commence upon the date of the regular meeting of the Board at which the application was accepted as completed.

SECTION 7.03 Major Subdivision Procedure (continued)

- (f) Board Action on the Preliminary Plat: After the Planning Board has reviewed the preliminary plat, considered the Planning Department report and testimony and exhibits submitted at the Public Hearing, the applicant shall be advised of any required changes and/or additions. The Board shall approve, conditionally approve, or disapprove the preliminary plat by resolution which shall set forth any conditions to which the approval is subject; or state the grounds for disapproval on the record. A copy of the resolution shall be forwarded to the applicant.

Approval of a Preliminary Plat shall constitute approval to submit the next stage in the application procedure and does not constitute final subdivision approval.

- (g) Effective Period of Preliminary Approval: The approval of a preliminary plat shall be effective for a period of one (1) year at the end of which time the final plat application must be filed with the Planning Board. Any applicant not filing a final plat application within the period of time set forth shall have the preliminary plat approval deemed null and void. The applicant shall be required to submit a new preliminary plat application and submit a new major subdivision application fee as required. The Planning Board may, at its discretion, grant extension of approval for a maximum of one (1) additional year.

(5) Final Subdivision Plat

- (a) Application Procedure and Requirements: Following the approval of the Sketch Plan and of the Preliminary Plat, the applicant shall file with the Planning Board a request for final approval of a subdivision plat.
- (i) Be made on forms available at the Planning Department Office, and comply with application deadlines;
 - (ii) Be submitted and endorsed by the owner or submitted by his representative where consent from the owner is obtained and shown by the representative;
 - (iii) Be accompanied by a minimum of six (6) copies of the subdivision plat;

SECTION 7.03 Major Subdivision Procedure (continued)

- (iv) Be accompanied by plans and documents required in Section 8, in accordance with the requirements for design standards and improvements in Section 9;
 - (v) Comply in all respects with the sketch plan and preliminary plat, as approved;
 - (vi) Include a list of names and addresses of all abutters as indicated in the records of the City Tax Assessor no more than five (5) days before the filing of the application.
 - (vii) Be accompanied by all formal legal instruments, deeds, easements, and irrevocable offers of dedication to the public of all streets, local government uses, utilities, and parks, in a form approved by the City Solicitor;
 - (viii) Be accompanied by written assurance from the public utility companies that proposed utilities will be installed in accordance with plans submitted as part of the application.
- (b) Phasing of Major Subdivision Plats: Where a major subdivision is proposed to be phased:
- (i) The applicant shall submit a phasing proposal which shall identify a section(s) of the plat and a time frame for completion of each section. The Planning Board may alter the phasing proposal as conditions warrant;
 - (ii) Where the Planning Board requires a financial guarantee, it shall be in such amount as is commensurate with the section or sections of the plat to be filed. The Planning Board may defer the guarantee for remaining phases until such phases are offered to be filed.
 - (iii) The approval of all remaining phases not filed with the Merrimack County Registry of Deeds shall automatically expire unless such sections have been approved for filing by the Planning Board, all fees paid, all instruments and offers of dedication submitted and performance bonds approved and actually filed with the Registry of Deeds

SECTION 7.03 Major Subdivision Procedure (continued)

within the number of years specified by the Planning Board. The time allowed for completion of each phase shall not exceed two (2) years. In no case shall any proposed phasing plan in total exceed six (6) years.

- (c) Notice to Applicant, Abutters and Public: The Planning Board shall notify the abutters and the applicant by certified mail, return receipt requested, of the date upon which the application will be formally submitted to the Board. Notice will be mailed at least ten (10) days prior to submission. The Planning Board shall notify the public at the same time by posting the notice at City Hall, City Library and the Police Station Kiosk.
- (d) Determination if Application is Complete: Upon receipt of an application, the Board shall determine if the application is complete pursuant to Section 7.03 (5)(a). If it is determined that the application is complete, the Board shall accept the application for further consideration. If it is determined that the application is incomplete, the Board shall take no further action on said application. An application which is determined to be incomplete may be revised and resubmitted to a subsequent meeting of the Board.
- (e) Period of Consideration: The Board shall have ninety (90) days within which to consider and act on the application. The ninety (90) day period shall commence upon the date of the regular meeting of the Board at which the application was accepted as complete.
- (f) Board Action on the Final Plat: After the Planning Board has reviewed and considered the Final Plat and Planning Department reports, the applicant shall be advised of any required changes or additions. The Planning Board shall approve, modify and approve or disapprove the subdivision application by resolution which shall set forth any conditions to which the approval is subject, or state the grounds for disapproval on the record. A copy of the resolution shall be forwarded to the applicant.
- (g) Public Improvements: The Planning Board may require that all public improvements be installed and dedicated prior to the signing of the subdivision plat by the Chairman of the Planning Board. If the Planning Board shall not require that all public

SECTION 7.03 Major Subdivision Procedure (continued)

improvements be installed and dedicated prior to signing of the subdivision plat by the Chairman of the Planning Board, a financial guarantee shall be provided, the amount of which shall be established by the Planning Board based upon the recommendation of the Director of Public Works.

In the final resolution, the Planning Board shall stipulate the period of time within which the financial guarantee shall be filed. In no event shall a financial guarantee be submitted later than six (6) months from the date of final resolution, together with all required documents and completion of required procedures. In no event shall the period of time stipulated by the Planning Board for completion of required improvements under the terms of guarantee exceed two (2) years from the date of the final resolution. One (1) copy of the final resolution shall be forwarded to the subdivider.

(h) Signing of Plat

- (i) When a bond is required, the Chairman of the Planning Board and the Clerk of the Planning Board shall endorse approval on the plat after the bond has been approved and all the conditions of the resolution pertaining to the plat have been satisfied.
- (ii) When installation of improvements is required, the Chairman of the Planning Board and Clerk to the Planning Board shall endorse approval on the plat after all conditions of the resolution have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory as shown by a certificate signed by the Director of Public Works and a certificate from the City Solicitor that the required dedication of public lands and improvements has been accomplished.

(i) Recording of Plat

- (i) The Chairman and Clerk of the Board shall endorse a reproducible mylar original of the subdivision plat.
- (ii) It shall be the responsibility of the Clerk to the Planning Board to file the Plat with the Merrimack County Registry of Deeds Office

SECTION 7.03 Major Subdivision Procedure (continued)

within thirty (30) days of the date of signature.

Simultaneously with the filing of the plat, the Clerk to the Planning Board shall record such legal documents as shall be required to be recorded by the City Solicitor.

- (iii) Any approved plat not filed at the Merrimack County Registry of Deeds Office within one (1) year of the date of the final resolution by the Board shall be null and void. A new three-stage application and approval procedure shall then be required.
- (j) Building Permits and Certificates of Occupancy: No building permit or certificate of occupancy shall be issued within a subdivision except as provided in Section 10.05.

SECTION 8 Specifications for Plans, Plats, and Documents

8.01 General Information

- (1) The subdivider shall familiarize himself with all State and City regulations relative to health, buildings, roads and other pertinent data so that he is aware of the obligations, standards expected, and documents to be submitted.
- (2) The subdivider may avail himself of the assistance of the Board before preparation of applications or plans by means of the Preapplication Consultation.
- (3) General Information required on all plans and plats. The following shall be included:
 - (a) Title Block:
 - (i) title of plan;
 - (ii) name and address of the owner and subdivider;
 - (iii) the date the plan was prepared and date of subsequent revisions;
 - (iv) scale;
 - (v) name, address and seal of the licensed land surveyor who drew or prepared the plan or plat;
 - (vi) the stage of the application, i.e. sketch Plan, Preliminary Plat or Final Plat.
 - (b) Space should be left in the bottom right hand corner for the City approved stamp.
 - (c) North arrow.
 - (d) Bar Scale.
 - (e) Location plan shall show:
 - (i) property lines existing prior to subdivision applications;
 - (ii) nearest street intersection indicated;
 - (iii) proposed subdivided property indicated;
 - (iv) minimum scale 1" = 400';

SECTION 8.01 General Information (continued)

- (v) the tax assessor's lot number for abutters and property lot lines of abutters;
 - (vi) names and locations of existing adjacent City streets;
 - (vii) names and location of existing adjacent watercourse;
 - (viii) identification of nearby community facilities such as schools, churches or parks.
- (f) The entire property proposed to be subdivided, including all:
 - (i) lot lines;
 - (ii) full names of all abutters of each property;
 - (iii) title reference for book and page number of the lot from the Merrimack County Registry of Deeds. Title reference shall be noted not more than five (5) days before filing at each stage.
- (g) Zoning district designations and boundaries.
- (h) Other special information which may be required by the Board.
- (4) Documentation Required: Where applicable to a specific subdivision, the following are required prior to approval of a subdivision in a form approved by the City Solicitor:
 - (a) Deeds for land to be conveyed to the City to be used for streets and other public purposes;
 - (b) Deeds of easement and rights of way;
 - (c) Articles of incorporation of a homeowner's association and association by-laws;
 - (d) Covenants for protection of open space or other purposes;
 - (e) Certificate of approval for the appropriate non-municipal utilities for extension and layout;
 - (f) Certificate of City Council approval where required for utility extension;
 - (g) Assurances, including bonds and other financial guarantees;

SECTION 8.01 General Information (continued)

- (h) Approval from the Department of Environmental Services (DES) is required for those subdivisions that are not serviceable by municipal sanitary sewers;
- (i) Certificate of ownership as required in Section 7;
- (j) Documentation of any action of the Zoning Board of Adjustment relative to the subdivision;
- (k) A typical deed for the conveyance of lots or dwelling units within the proposed subdivision;
- (l) Agreements, if any, between the applicant and the City regarding public improvements or other purpose;
- (m) An environmental impact statement where required by the Zoning Ordinance;
- (n) Statement of impact of the proposed subdivision on traffic circulation within the City, on public school facilities and populations, on municipal utilities, facilities and services, on natural resources, and on environmental quality;
- (o) A statement describing the proposed phasing of the subdivision including the time frame, percentage of total residential and non-residential uses, and the improvements and facilities, included in each stage.

8.02 Sketch Plan Requirements

- (1) General: All plans shall be prepared in pen or pencil, and drawn to the appropriate scale. Six (6) copies of the sketch plan shall be submitted. The following information is required at a minimum:
 - (a) All Section 8.01 general information;
 - (b) Scale shall be 1" = 100';
 - (c) A site analysis plan;
 - (d) A proposed site layout;
 - (e) A site utility layout;
 - (f) Name and address of a licensed Engineer, Architect, Landscape Architect or Planner who is responsible for all or part of the preparation of the plans;
 - (g) Statement of any existing covenants relating to the use of the land proposed to be subdivided.

SECTION 8.02 Sketch Plan Requirements (continued)

(2) Site Analysis: Site analysis shall contain all information as required as Section 8.01 and shall include:

(a) Natural Features: The following information both on and adjacent to the site to be subdivided to show:

- (i) a vegetation survey; i.e., fields, swamplands, wetlands, grasses, shrubs and trees (deciduous and evergreen);
- (ii) rock outcrops, ledges, surface water, streams, seasonal or permanent water bodies or water courses including any known flood elevations, identification of high water marks;
- (iii) important views of and from the site;
- (iv) orientation to the sun, and direction of prevailing winds;
- (v) Contour lines based on U.S.G.S. datum, at a minimum of ten (10) foot contour intervals, two (2) foot intervals where available;
- (vi) slopes in excess of 15%;
- (vii) soil types and data:
 - (aa) soil data required by N.H. Department of Environmental Services (DES) where municipal sewers are not present;
 - (bb) identification and classification of the extent and types of soils using the USDA Soil Conservation Service System, specifically identify those soils recognized as wetlands and agricultural types; and
 - (cc) identification of the depth to the estimated seasonal high water table and the depth to existing ground water if within ten (10) feet of the existing ground surface.

(b) Existing Man-made Features: The following items both on and adjacent to the site to be subdivided are required to be shown at minimum, but are not exclusive:

SECTION 8.02 Sketch Plan Requirements (continued)

- (i) Utilities, location, including any specific rights of way and approximate size of sanitary sewers; water mains; storms sewers, including surface and subsurface drainage systems; and non-municipal utilities including overhead transmission lines;
 - (ii) identification of municipal special district boundaries;
 - (iii) location and purpose or use of building and structures;
 - (iv) location of walls, fences and wells;
 - (v) public streets and highways and mapped future streets as defined on the Official Map; railroad tracks and rights-of-way, and airport approach zones;
 - (vi) driveways, curb cuts, and parking lots;
 - (vii) any historic markers or features;
 - (viii) public parks and open space.
- (c) Previously proposed improvements on or adjacent to the site:
- (i) highways or other major public improvements planned by public authorities for future construction;
 - (ii) planned private improvements including any previously approved subdivision.
- (d) Any other significant man-made or natural features which have relevance to development of the site.
- (e) Photographs of views or sites may be required by the Planning Board. Where required, note should be made of camera locations, direction, view and key numbers.
- (3) Proposed Site Layout: A proposed site layout shall show:
- (a) The approximate location and widths of proposed streets;
 - (b) The location and distribution of proposed lots,

SECTION 8.02 Sketch Plan Requirements (continued)

buildings and structures, including their orientation to the sun;

- (c) The approximate location and area of all parcels of open space land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.
- (4) Site Utility Layout: A site utility layout shall show:
 - (a) The location of existing sewers, water mains, culverts, and existing utility poles;
 - (b) Existing utility rights-of-way;
 - (c) The approximate layout of all proposed storm drainage facilities, including detention and retention ponds and drainage swales;
 - (d) Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal;
 - (e) The proposed and approximate layout of non-municipal utilities.
- (5) Other Requirements: The Board may require further detailing of information and additional meetings before advising the subdivider to proceed with the preliminary plat.
- (6) Flexible Zoning: Application for Cluster Developments, PUD's, Attached and multi-Family Dwellings shall include six (6) copies of the sketch plan. Applicants shall submit documents in accordance with the applicable zoning requirements.
- (7) Phased Development Plan: A phased development plan shall be submitted where the developer plans to construct the subdivision in more than one stage. All the sketch plan information shall be submitted for the entire development.

SECTION 8.02 Sketch Plan Requirements (continued)

Specific emphasis should be placed on the portion presently being considered for development. The development phasing plan shall include a description of the time frame envisioned by the developer for completion of the project, correlation for the provisions of services and residential construction at each phase and, where appropriate, the percentage of total residential and non-residential uses to be included in each stage.

8.03 Preliminary Plat Requirements

(1) General

- (a) The preliminary plat shall be prepared and stamped by a licensed land surveyor and licensed engineer at a convenient scale not more than one (1) inch equals fifty (50) feet, may be prepared in pen or pencil, and the sheets shall be numbered in sequence if more than one (1) sheet is used and shall be of such size as is acceptable for filing in the Merrimack County Registry of Deeds Office, but shall not exceed thirty-four by forty-four (34 x 44) inches.

It should be noted that the map provided for the preliminary plat may also be used for the final subdivision plat and, therefore, should be drawn on tracing cloth or reproducible mylar; preparation in pencil will make required changes and additions easier.

- (b) The error of closure should be stated upon the plan and shall not be less than 1 in 10,000.
- (c) Six (6) copies of the preliminary plat and supplementary material specified shall be submitted to the Planning Board for action at least thirty (30) days prior to the meeting at which time it is to be considered.

(2) Preliminary Plat Requirements

- (a) The preliminary plat shall be consistent with all the information contained and approved in the Sketch Plan and shall include all Section 8.01 information, and all of the following information:
 - (i) The location of property with respect to surrounding property and streets, including the names of adjoining streets.

SECTION 8.03 Preliminary Plat Requirements (continued)

- (ii) The dimensions of all existing boundary lines of the property to be expressed in feet and decimals of a foot, and the bearings of such lines.
- (iii) The location of other existing features such as water courses and bodies, parks, open space, large trees, foliage lines, railroads, building and significant natural and man-made features. Other pertinent features such as, but not limited to, wetlands, cemeteries, drainage ditches, as determined by the Planning Board.
- (iv) The location, and the right-of-way and travelled way widths of all existing and proposed streets, alleys, and other public ways.
- (v) The location, width, and purpose of existing and proposed easements and other rights-of-way.
- (vi) The locations, bearings, dimensions, set-back lines and area of all proposed lots; and the area to be expressed in square feet.
- (vii) The location, bearings and dimensions and area of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
- (viii) The type and location of all existing bounds, monuments and benchmarks, indicating the primary control points or descriptions and ties to such control points, to which all dimensions, angles, bearings and similar data on the plat.
- (ix) Name(s) of the subdivision and all new streets as approved by the Planning Board.
- (x) Indication of the type of residential use of any lot (single-family, two-family,

SECTION 8.03 Preliminary Plat Requirements (continued)

multi-family, townhouse) and all uses other than residential proposed by the subdivider.

- (xi) All lots shall be consecutively numbered. Open space lots shall be lettered in alphabetical order.
- (xii) In applications for PUD's and Attached and Multi-Family Dwelling Units, the location and horizontal cross-section of all buildings shall be shown.
- (xiii) Where required by the Board, the location and width of curb cuts shall be shown. The Board may require that a curb cut serve more than one lot.

(3) Requirements for Other Plans and Information

- (a) Grading Plan: At the same scale as the Preliminary Plat, the following information shall be shown
 - (i) Existing topographic conditions and all proposed changes in ground elevation with a contour interval of two (2) feet, referred to sea-level datum of the U.S. Coast and Geodetic Survey;
 - (ii) Where the land slopes less than two (2%) percent, spot elevations shall be shown at all breaks in grade, along all drainage channels or swales, and at selected points not more than a hundred (100) feet apart in all directions.
 - (iii) In applications for PUD's and Attached and Multi-Family Dwelling Units, the location, the horizontal cross-section and the first floor elevation of all buildings shall be shown. For other major subdivisions, a minimum elevation for the lowest floor level of a dwelling shall be specified for each lot.
 - (iv) The name, address, signature, and seal of the licensed engineer or surveyor who prepared the plan.
- (b) Utility Plans and Profiles: At the same scale as the Preliminary Plat, the following information shall be shown:

SECTION 8.03 Preliminary Plat Requirements (continued)

(i) Municipal Utilities:

(aa) A plan of the location, size and invert elevations of existing and proposed sanitary and storm sewers including manholes, catch basins, and culverts; the location and size of all existing and proposed water mains, including hydrants, gates, valves and blowoffs; and the location of any pump stations, lift stations and other appurtenant facilities or structures shall be shown;

(bb) Profiles of all municipal utilities;

(cc) Detailed plans of any pump stations, lift stations and other appurtenant structures as may be required by the City Engineer.

(ii) Non-Municipal Utilities: A plan of the location and size of underground or overhead non-municipal utilities including but not limited to gas lines, electric transmission lines, telephone transmission lines, cable television, steam distribution mains, and fire and police alarm transmission lines. The location of all manholes, transformers, poles and other appurtenant facilities or structures shall be shown. At the discretion of the City Engineer, this information may be displayed on the plan of municipal utilities.

(iii) The names, address, signature and seal of the licensed engineer who prepared the utility plans.

(c) Plans and Information Relative to Water Supply, Sanitary Waste Disposal, and Storm Water Runoff Where One or More Municipal Utilities is Not Present

(i) In the absence of municipal sanitary sewers, soil data and test results sufficient to submit an application for subdivision approval to the State of New Hampshire Department of Environmental Services (DES) including a plan showing the location of test pits, the soil profiles, ground water elevation, and seasonal high water table elevation at each test pit;

SECTION 8.03 Preliminary Plat Requirements (continued)

- (ii) In the absence of a municipal water supply, a plan indicating individual well locations shall be submitted. If a common private water supply is to be utilized, plans similar to those for municipal water supply shall be submitted indicating the source of water and including details of any pumping stations and other distribution and treatment facilities. In the case of any non-municipal water supply, the Planning Board may require any plans and information it deems appropriate to determine the suitability and adequacy of such water supply to serve the proposed subdivision.
 - (iii) In the absence of municipal storm sewers, a plan and information shall be submitted indicating the proposed method of collecting and disposing of storm water runoff resulting from the development of the site. All swales, drainage ditches, culverts, easements, detention and retention ponds shall be shown including such elevations and cross-sections as may be necessary in the opinion of the City Engineer to determine the suitability and adequacy of the proposed system. A ten (10) year storm runoff estimate, including all calculations, shall be submitted providing an analysis of the subdivision as projected in its fully developed state.
 - (iv) The name, address, signature and seal of the licensed engineer who prepared the utility plans.
- (d) Plans, Profiles, and Cross-Section of all Streets and Roads
- (i) Plans and profiles shall be shown for all proposed streets and roads, and for those existing streets and roads adjacent to the subdivision that are required to be improved pursuant to Section 9 of these regulations
 - (aa) Plans shall indicate right-of-way widths and travelled way widths, the location and widths of sidewalks, curbs, street trees, street lights and street signs, all radii of curves,

SECTION 8.03 Preliminary Plat Requirements (continued)

lengths of tangents and central angles.

- (bb) Profiles shall show existing and proposed elevations along the center lines of all roads.
- (ii) A typical cross-section shall be provided for each classification of street proposed to be included in the subdivision. The typical cross-section shall indicate the location and width or pavement, curbs, sidewalks, right-of-way limits, and the locations of street trees, fire hydrants, underground utilities, width and depths of select materials, street lighting standards, and street signs. The typical locations of subsurface, and where appropriate, overhead utilities shall be shown. Roadway cross sections shall be furnished for each 100 foot station, at the centerline of streams and major culverts or structures, and if the terrain is steep, hilly or uneven, they shall be furnished for each 50 foot station and at any unusual or abrupt changes in existing ground. Sections may be drawn at a scale of one (1) inch equal to ten (10) feet but a scale of one (1) inch equal to five (5) feet is preferred. The Planning Board may require additional cross-sections at specific locations where deemed necessary to evaluate the relationship of the street to adjacent property.
- (iii) At the discretion of the City Engineer, street plans and profiles may be incorporated with utility plans and profiles.
- (iv) The name, address, and signature and seal of the licensed engineer who prepared the plans shall be submitted.
- (v) The location, width, and material of all walkways and pathways;
- (vi) The identification of areas to be mowed as lawns and areas to be mulched, including the type of mulch;
- (vii) The location and type of lighting for areas other than streets and parking lots;

8.03 Preliminary Plat Requirements (continued)

- (viii) The location and type of any sign including a detail of such signs indicating dimensions, materials, colors, and copy.
- (ix) The location, type, materials, and dimensions of any fences, walls, outdoor recreational facilities, and street furniture including but not limited to free standing mailboxes, benches, bollards and bicycle racks.
- (e) Parking Lot Plan: In applications for PUD's and Attached and Multi-Family Dwelling Units, a Parking Lot Plan shall be prepared at the same scale as the Preliminary Plat including the following information:
 - (i) The location and dimensions of all parking lot and driveways including driveways between lots and linking lots to streets;
 - (ii) The layout, dimensions, and number of parking spaces and aisles including the designation of spaces for standard size and compact vehicles, spaces reserved for the handicapped, and spaces reserved for service and delivery vehicles;
- (f) Landscaping Plan: In applications for PUD's and Attached and Multi-Family Dwelling Units, a Landscaping Plan shall be prepared at the same scale as the Preliminary Plat, including the following information:
 - (i) The location, size, and type, including common and botanical names of all new plant materials to be installed;
 - (ii) The location, size, and type, include common names of all existing plant material to be retained or relocated on the site;
 - (iii) A typical cross-section of the parking lot including base, pavement, curbing, and wheel stops;
 - (iv) The location and type of any lighting fixtures in and around parking lots and driveways;
 - (v) Space reserved for refuse containers and access for refuse collection vehicles;

8.03 Preliminary Plat Requirements (continued)

- (vi) Fire lanes and other access easements for fire apparatus;
- (vii) At the discretion of the Board, all information required for the Parking Lot Plan may be shown on the Landscaping Plan.
- (g) Documentation Requirements: The following documents are required to be submitted along with the Preliminary Plat:
 - (i) Proposed drafts of the following documents:
 - (aa) deeds for land to be conveyed to the City to be used for streets and other public purposes;
 - (bb) deeds of easement and rights-of-way;
 - (cc) covenants for the protection of open space or other purposes;
 - (dd) articles of incorporation of a homeowners association and association by-laws;
 - (ee) the condominium declaration as it will be submitted to the State of New Hampshire Attorney General;
 - (ff) a typical deed for the conveyance of lots or dwelling units within the proposed subdivision;
 - (gg) agreements, if any, between the applicant and the City regarding public improvements or other purposes;
 - (hh) petitions for municipal and non-municipal utility extensions.
 - (ii) Certificate of ownership as required in Section 7;
 - (iii) Documentation of any action of the Zoning Board of Adjustment relative to the subdivision;
 - (iv) An environmental impact statement when required by the Zoning Ordinance;

8.03 Preliminary Plat Requirements (continued)

- (v) Where required by the Board, statements of impact of the proposed subdivision on traffic circulation within the City, on public school facilities and populations, on municipal utilities, facilities and services, on natural resources, and on environmental quality;
- (vi) A statement describing the proposed phasing of the subdivision including the time frame, percentage of total residential and non-residential uses, and the improvements and facilities included in each stage.

8.04 Final Plat Requirements

- (1) General: Plat requirements, plan and other information, documents and assurances are found in this section according to subdivision classification. Section 8.04 contains:
 - (a) General
 - (b) Minor Subdivision Requirements
 - (c) Major Subdivision Requirements
- (2) Minor Subdivision
 - (a) General: Three (3) copies of the minor subdivisions plat shall be prepared by a licensed land surveyor and submitted along with a mylar reproducible of the plat in a size acceptable for filing in the Merrimack County Registry of Deeds.
 - (i) In a case where the parcel to be subdivided is in excess of twelve (12) acres and the lot(s) proposed to be created does not exceed 25% of the total area of the parcel, the remainder of the original lot may be shown at 1" = 200'.
 - (ii) All other minor subdivision plats shall be shown at 1" = 50'.
 - (iii) The error of closure for areas to be shown at a scale of 1" = 50' shall not be less than 1 in 10,000.

SECTION 8.04 Final Plat Requirements (continued)

- (iv) For areas allowed to be shown at a scale of 1" = 200', measurement may be made by a compass and tape survey at an error of closure of not less than 1 in 500.
 - (v) Where two abutting properties are to become one, under one ownership, the property owner may draw the plan showing the property as proposed providing, however, the drawing is prepared from a previous survey of the two properties, bounds of the properties still exist, or deeds of the properties are written to show bearings and dimensions. The application form must state the purpose of the resubdivision and description of the line(s) to be deleted.
- (b) Final Plat Requirement: In addition to the general requirements of Section 8.01, the following information shall be shown on the plat:
- (i) the location of the property with respect to surrounding property and streets, including the names, right-of-way, and travelled way width of adjoining streets;
 - (ii) the dimensions and bearings of all new property lines to be created, and existing property lines that are to remain, along with building set-back lines as required by the Zoning Ordinance. Property lines should intersect the right-of-way lines at right angles or as close to right angles as is practicable. All points of access to a street shall be shown, including the proposed width of such access points at the intersection with the street right-of-way. The Board may require that one access point serve more than one lot.
 - (iii) the lot(s) area in square feet and/or acres for new and existing lots, expressed to the nearest square foot or nearest hundredth of an acre;
 - (iv) the location of existing natural and man-made features including but not limited to water bodies and water courses, parks, open space, railroads, buildings and structures;

SECTION 8.04 Final Plat Requirements (continued)

- (v) the location, size, and invert elevations of existing and proposed sanitary and storm sewers including manholes, catch basins, and culverts;
- (vi) the location and size of all existing and proposed water mains including hydrants, gates, valves, and blowoffs;
- (vii) the location and size of underground and overhead non-municipal utilities;
- (viii) the location, width, and purpose of existing and proposed easements and other rights-of-way;
- (ix) location of the new required bounds at the corners of all lots and at tangent points;
- (x) where required by the Board, existing topographic conditions and all proposed changes in ground elevation at a contour interval of two (2) feet referred to sea level datum of the U.S. Coast and Geodetic Survey;
- (xi) Soil Information:
 - (aa) soil test data as required by the N.H. Department of Environmental Services (DES), where municipal sewers are not present;
 - (bb) identification and classification of the extent and types of soils using the USDA Soil Conservation Service System, specifically identifying those soils recognized as wetland and agricultural types.
- (c) Documentation: Where required by the Board, any of the documents listed in Section 8.01 (4) shall be submitted, bearing endorsements and accompanied by certifications, and including evidence of registration and proof of receipt of required State, Federal and local agency approvals and permits.
- (d) Assurances: Where required by the Board, as detailed in Section 10, assurances shall be provided. Said assurances shall include but not be limited to the following:

SECTION 8.04 Final Plat Requirements (continued)

- (i) Certification of the City Engineer that all improvements have been installed in accordance with the requirements of these regulations and with the action of the Planning Board;
- (ii) Posting of a bond or other acceptable financial guarantee for the installation of improvements in accordance with the requirements of these regulations and with the action of the Planning Board;
- (iii) A posting of a bond for maintenance of improvements.

(3) Major Subdivisions

- (a) General: The final subdivision plat shall be presented on a permanent reproducible mylar, at a scale of 1" = 50'. When necessary, the plat may be on several sheets, accompanied by an index sheet showing the entire subdivision. The preliminary plat may be used as the final subdivision plat if it meets these requirements and is revised in accordance with the Planning Board's action on the preliminary plat.
- (i) The final plat shall be prepared and stamped by a licensed land surveyor and a licensed engineer with an error of closure not less than that required for the preliminary plat;
- (ii) Six (6) copies of the final plat and supplemental materials shall be submitted.

(b) Plat Requirements

- (i) Applicants shall resubmit all the information as required for the preliminary plat incorporating any changes or conditions required by the Board in approving the preliminary plat;
- (ii) Applicants shall include the following additional requirements: the plat shall contain all notations of covenants, self-imposed restrictions and any other restrictions or notations required by the Board;

SECTION 8.04 Final Plat Requirements (continued)

- (iii) For phased developments, the plat shall show the subdivision in its entirety. The phase for which final approval is being sought shall be so designated on the plat by reference to lot or units numbers or other graphic technique as approved by the Board;
 - (iv) When, in the opinion of the Planning Board, a final plat contains substantial changes from the conditionally approved preliminary plat, it shall treat the submission of each changed final plat as a new preliminary plat, requiring the payment of a second fee, a second public hearing, and a full review of the second preliminary plat.
- (c) Other Plans and Information: The applicant shall resubmit all plans and required information, including any changes or conditions as required by the Board, as follows:
- (i) grading plans;
 - (ii) utility plans and profiles;
 - (iii) plans and other information where a municipal utility is not present;
 - (iv) plans, profiles, and cross-sections of all streets and roads;
 - (v) landscaping plans;
 - (vi) parking lot plans.
- (d) Documentation: Resubmission of any and all documents, where required, by the Board at the preliminary plat stage; incorporating any additions or changes as required by the Board, bearing endorsements and evidence of registration and accompanied by certifications including, but not limited to, the following:
- (i) deeds, deeds of easement or right-of-way, covenants and agreements as endorsed and registered in the Merrimack County Registry of Deeds;
 - (ii) articles of incorporation of a homeowner's association;

SECTION 8.04 Final Plat Requirements (continued)

- (iii) a condominium declaration as filed with the New Hampshire Attorney General;
 - (iv) certification of approval of petitions for municipal and non-municipal utility;
 - (v) certification of approvals from the Zoning Board of Adjustment;
 - (vi) certificate of subdivision approval from the New Hampshire Department of Environmental Services (DES);
 - (vii) proof of receipt of all other required local, state and federal agency approvals and permits; such as certificates, affidavits, endorsements and dedications as may be required by the Planning Board in enforcement of these regulations.
- (e) Assurances: As detailed in Section 10, assurances shall be provided at the final plat stage. Said assurances shall include, but not be limited to, the following:
- (i) certification of the City Engineer that all improvements have been installed in accordance with the requirements of these regulations and with the action of the Planning Board;
 - (ii) posting of a bond or other acceptable financial guarantee for the installation of improvements in accordance with the requirements of these regulations and with the action of the Planning Board;
 - (iii) a posting of a bond for maintenance of improvements.

SECTION 9 Design Standards and Requirements for Improvements

9.01 General Requirements

- (1) Conference to Applicable Laws, Rules and Regulations: In addition to the requirements established herein, all developments shall comply with the following laws, rules, and regulations:
 - (a) all applicable statutory provisions and all rules and regulations promulgated in accordance with such provision;
 - (b) the zoning and health ordinances, building and housing codes, and all other applicable ordinances and regulations of the City of Concord; and
 - (c) the Master Plan Reports, Official Map, and Capital Improvements Program of the City.
- (2) Self-Imposed Restrictions: If the owner places restrictions on any of the land contained in the development greater than those required by the Zoning Ordinance or these regulations, such restriction or reference thereto may be required to be indicated on the plat, or the Planning Board may require that restrictive covenants be recorded with the Merrimack County Registry of Deeds in form to be approved by the City Solicitor.
- (3) Specification References
 - (a) Reference to State specifications shall mean Standard Specifications for Road and Bridge Construction of the New Hampshire Department of Transportation, as most recently adopted.
 - (b) Reference to Uniform Traffic Control Devices shall mean the Manual on Uniform Traffic Control Devices for Streets and Highways, published by the U.S. Department of Transportation, Federal Highway Administration.
 - (c) Reference to the construction standards and specifications of the D. E. S. shall mean the Construction Standards for Sanitary Sewer and Water Supply Systems of the New Hampshire Department of Environmental Services, as most recently adopted.

9.02 Monuments

- (1) General Requirements: The applicant shall place permanent reference monuments in the subdivision as required herein and as approved by the City Engineer. All monuments shall

SECTION 9.02 Monuments (continued)

be inspected by the City of Concord. All such monuments shall be set flush with the ground and planted in such a manner that they will not be removed by frost. All monuments shall be properly set prior to the time of the release of the performance bond.

(2) Required Improvements

(a) Street Right-of-Way Bounds: Monuments for streetline bounds shall be located at all block corners, at the beginning and end of curves in streets, street intersections and at intermediate points as shall be required by the City Engineer. Monuments shall be placed on both sides of the street; and shall be spaced so as to be within sight of each other, the sight lines being contained wholly within the street limits.

(b) Subdivision and Lot Bounds: Monuments for the external boundaries of the tract that is being subdivided and the lots that are being created shall be placed not more than one thousand (1,000) feet apart in any straight line and at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line, and at all angle points along the meander line.

Points along a meander line shall not be less than twenty (20) feet back from the bank of any river or stream, except that when such corners or points fall within a street, or proposed future street, the monuments shall be placed in the side line of the street.

(3) Design Standards

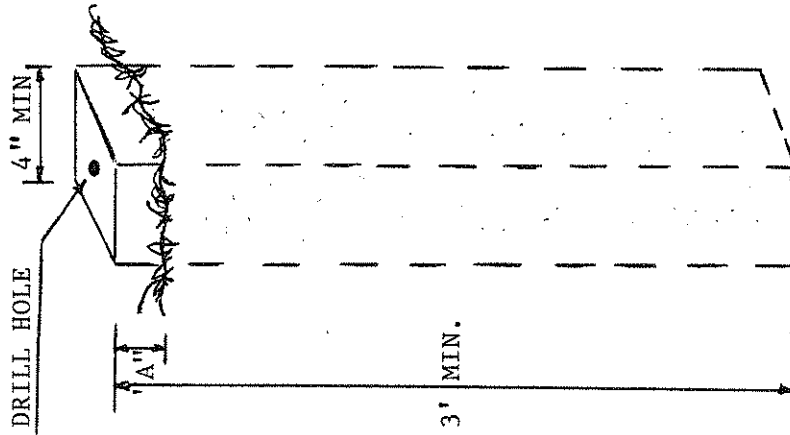
(a) Street Right-of-Way Bounds: Monuments shall be of granite or reinforced concrete with a minimum size of 4" x 4" x 36" long and be set as shown in Diagram 9A, 5/8" to 1" above ground in residential areas, 4" to 6" above ground in wooded areas, and slightly below grade when set in pavement.

(b) Subdivision and Lot Bounds: Monuments shall be of granite or reinforced concrete, not less than thirty (30) inches in length, not less than four (4) inches square and marked on top with a cross, brass plug, iron rod, or other durable material securely embedded; or by iron rods or pipes at least thirty (30) inches long and two (2) inches in diameter.

9.03 Lot Improvements

- (1) General Requirements: The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Ordinance and in providing driveway access to buildings on such lots from an approved street.
- (2) Required Improvements
 - (a) Lot dimensions shall comply with the minimum standards of the Zoning Ordinance. Where lots are more than double the minimum required area for the zoning district, the Planning Board may required that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with the Zoning Ordinance and these regulations. In general, side lot lines shall be at right angles to street lines (or radial to curving streetlines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front-yard setback from both streets. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinance.

RIGHT-OF-WAY BOUND DETAIL



- NOTES:
1. Right-of-way Bounds Shall Be Of Concrete or Granite.
 2. Concrete Bounds Shall Have A 1/2" \emptyset Steel Rod Embedded In The Center, End to End.
 3. Right-of-way Bounds Shall Be Inspected By The City of Concord, Department of Public Works, Engineering Division.

"A"- Right-of-way Bounds Shall Be Set 5/8" To 1" Above Ground In Residential Areas, 4" To 6" Above Ground In Wooded Areas And Slightly Below Grade When Set In Pavement.

Bound To Be Vertical And Soil Compacted When Set.

(NOT TO SCALE)

SECTION 9.03 Lot Improvements (continued)

- (b) Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. An easement, across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.
- (c) Each lot shall have frontage on a public street with a safe and independent access to a public street.
- (d) Residential lots shall not, in general, derive access from a primary or secondary arterial. Where driveway access from a primary or secondary arterial may be necessary for several adjoining lots, the Planning Board may require that such lots be served by a combined access drive in order to limit possible traffic hazard on such street. Driveways shall be designed and arranged so vehicles shall not be required to back into traffic on primary or secondary arterials.
- (e) Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.
- (f) Grading shall be completed in accordance with the approved final subdivision plat and the lot precovered with topsoil with an average depth of at least six (6) inches which shall contain no particles over two (2) inches in diameter over the entire area of the lot, except that portion covered by buildings or included in streets, or where the grade has not been changed or natural vegetation seriously damaged. Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six (6) inches of cover on the lots and at least four (4) inches of cover between the sidewalks and curbs, and shall be stabilized by seeding or planting.
- (g) If a tract being subdivided contains a water body, or portion thereof, lot lines shall not divide such a water body. Said water body shall be owned by an association of lot owners or by a conservation organization, or the Planning Board may approve an alternative plan whereby the ownership of and

SECTION 9.03 Lot Improvements (continued)

responsibility for safe maintenance of the water body is so placed that it will not become a local government responsibility. None of the minimum area of a lot required under the Zoning Ordinance may be satisfied by land which is now under water. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installation of a culvert or other structure, of design approved by the City Engineer.

- (h) Whenever access to the subdivision is required across land in another municipality, access must be legally established, and the access road must be adequately improved, or a performance bond must be duly executed, sufficient in amount to assure the construction of the access road. In general, lot lines should be laid out so as not to cross municipal boundary lines.
- (3) Design Standards: Lots shall be designed according to the standards established in the Zoning Ordinance.
 - (a) Lots shall be designed according to the standards established in the Zoning Ordinance.
 - (b) Every lot intended for development purposes shall comply with the following requirements to insure that each lot shall be compatible with, and capable of, supporting the type of development and use contemplated:
 - (i) Each lot shall contain within the lot at a minimum, a contiguous area of useable land equal to the maximum lot coverage of building and parking as established in the Zoning Ordinance;
 - (ii) Where municipal sanitary sewer systems are not available, the applicant shall demonstrate that each lot can be served by an individual waste disposal system which complies with the construction standards and specifications of the State of New Hampshire, Department of Environmental Services (DES);
 - (iii) If the lot is not served by a municipal sanitary sewer system, each lot shall contain, at a minimum, 20,000 sq. ft. of contiguous useable land with a receiving layer meeting the requirements of the DES;
 - (iv) Where municipal water supply systems are not available, the applicant shall demonstrate

SECTION 9.03 Lot Improvements (continued)

that each lot can be served by a private well which complies with the construction standards and specifications of the New Hampshire Water Well Board.

- (v) Safe and sufficient vehicular access exists from the abutting private or public street to the building site(s). The private driveways shall:

- (1) Have a slope no greater than ten (10) percent;
- (2) Have a landing area at the intersection of the private drive and the public or private abutting street with a minimum length of thirty (30) feet, a minimum width of twelve (12) feet, and a slope not exceeding two (2) percent.

9.04 Streets

- (1) General Information: All subdivisions shall have adequate provision for a safe and suitable access to an existing public street or shall make provision for the construction and dedication of a public street in order to obtain safe and suitable access to the subdivision. Where an adjacent existing street from which access is gained is deemed to be substandard, the upgrading of said street shall be provided for. Where traffic from a proposed subdivision will adversely impact an adjacent street or intersection, provision shall be made for the mitigation of said impacts.

Proposed streets, whether to be dedicated as public streets or retained as private streets, shall be of suitable location, width, grade, and improvement to accommodate prospective traffic and afford satisfactory access to police, firefighting, snow removal, sanitation and road-maintenance equipment.

The arrangement and character of all streets in a subdivision shall conform to the Master Plan, and shall compose a safe and convenient system in relation to other existing and planned streets, to topographical conditions, and to the proposed uses of land to be served by said street.

SECTION 9.04 Streets (continued)

(2) Required Improvements

(a) Access

- (i) No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street on the Official map.
- (ii) Where a subdivision borders on or contains an existing or proposed primary or secondary arterial, the Planning Board may require that access to such streets be limited by one of the following means:
 - (aa) The subdivision of lots so that rear property lines abut the arterial and frontage is on a parallel local street; no access shall be provided from the arterial, and screening shall be provided in a strip of land along the rear property line of such lots.
 - (bb) A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial.
 - (cc) A marginal access or service street separated from the arterial by a planting or grass strip and having access thereto at suitable points.
- (iii) Each lot shall have a safe, independent, and direct access from a public street. Where warranted, because of traffic or adverse topographic conditions, the Board may require that a driveway from a public street be shared by two or more lots. All portions of such a drive which are commonly shared shall be improved to facilitate two-way traffic flow. Rights of passage over and across such a driveway shall be established by easement for each of the lots so served.

(b) Arrangement

- (i) All streets shall be properly integrated with the existing and proposed street system as established on the Official Map and the Master Plan.

SECTION 9.04 Streets (continued)

The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, for efficient provision of utilities, and where such continuation is in accordance with the City plan. If the adjacent property is undeveloped and the street(s) must temporarily be a dead-end, the right-of-way shall be extended to the property line and the street(s) shall be constructed to the property line. Where the proposed roads in a subdivision do not provide a secondary access, the Board may require the roads in a subdivision to be extended across other property to assure a second access, or in the event that rights-of-way cannot be obtained on other properties, the Board shall limit new roads with temporary dead-ends to the maximum length provisions for cul-de-sacs as provided in Section 9:04 (3) (h).

A temporary T-shaped turnabout shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued.

- (ii) Where a street cannot be extended to the boundary of a subdivision because of topography or other physical condition, or, in the opinion of the Planning Board, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts, the terminus of the street shall normally not be nearer to such boundary than fifty (50) feet. However, the Planning Board may require the reservation of an appropriate easement to the boundary to accommodate drainage facilities, pedestrian traffic, or utilities. A circular turnaround shall be provided at the end of such a permanent dead-end street, referred to as a cul-de-sac.
- (iii) All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades

SECTION 9.04 Streets (continued)

of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided.

- (iv) All streets shall be properly related to the pattern of existing and proposed land uses.
- (v) Minor streets shall be laid out to conform as much as possible to the topography to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

The use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged where such use will result in a more desirable layout.

- (vi) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than sixty-five (65) degrees shall not be acceptable. A street which is proposed to approach another street at an oblique angle shall be curved for at least 100 feet in order to create an intersection at approximately right angles. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Planning Board.
- (vii) Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the Planning Board may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separation.

(c) Blocks

- (i) The lengths, widths, and shapes of blocks shall be determined with due regard to the provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements as to lot sizes and dimensions; the need for convenient

SECTION 9.04 Streets (continued)

access, circulation, control and safety of street traffic; and the limitations and opportunities of topography.

- (ii) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads, or waterways.
- (iii) In long blocks, the Planning Board may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

(d) Street Improvements

- (i) The Travelled Way: After installation of all subsurface utilities including all connections to the edge of the right-of-way, the applicant shall prepare the base, construct shoulders or curbs and gutters, and surface the travelled way in accordance with the design standards of these regulations.
- (ii) Sidewalks: Sidewalks shall be installed and improved in accordance with Section 9.06 of these regulations.
- (iii) Street Signs: The applicant shall deposit with the City of Concord at the time of final subdivision approval the sum of fifty (50) dollars for each traffic control and street name sign within the subdivision required by the City Engineer. The City shall install all signs before issuance of certificates of occupancy for any structure on the streets approved. Street name signs are to be placed at all intersections within or abutting the subdivision.
- (iv) Street Lights: Installation of street lights shall be required at all intersections in all but low density residential districts. In addition, street lights shall be located at an interval of not more than five hundred (500) feet apart on collector and arterial streets in the same districts.

SECTION 9.04 Streets (continued)

- (v) Curbing: Installation of curbs is required for all streets in all districts. This requirement may be waived by the Board for minor streets in areas where the municipal storm sewer system is not present, not required, or not included in the Capital Improvement Program for future installation. Where curbing is waived for the street, it shall be required on all corners of all intersections for a distance of twenty-five (25) feet from the intersection on each street.
- (vi) Planting Strips and Shoulders: A planting strip, at least three (3) feet in width, shall be provided between curbs and adjacent sidewalks. Where curbs and sidewalks are not required, shoulders shall be graded to a slope not greater than three (3) to one (1). Planting strips and shoulders shall be loamed, seeded, and fertilized as follows:
 - (aa) seeding per State specifications, Section 644;
 - (bb) loaming per State specifications, Section 641;
 - (cc) fertilizing per State specifications, Section 643.
- (vii) Street Trees: Street trees shall be planted in the planting strip within the right-of-way for both sides of all streets in all but low density residential districts. Two (2) trees shall be planted in each distance equal to the minimum lot frontage as required in the Zoning Ordinance for the district in which the subdivision is located. The Board may allow the required street trees to be planted on private property, within ten (10) feet of the edge of the right-of-way.
- (viii) Street Names: Street names shall be subject to approval by the Planning Board. Names shall be sufficiently different in sound and in spelling from other street names in the City so as not to cause confusion. A street which is, or is planned as, a continuation of an existing street shall bear the same name.

SECTION 9.04 Streets (continued)

If a name as submitted is unacceptable, or if no names are submitted, the Board will assign names from a list of names of New Hampshire Cities and Towns.

Names for private drives are also subject to the approval of the Planning Board on the same basis as names for City streets. A proposed numbering or identification system for all dwelling units gaining access from a private drive shall be submitted for approval by the Planning Board. In approving such a numbering system, the Board shall consider the recommendations of the Concord Fire Department and the City Engineer.

(ix) Improvements to Existing Adjacent Streets

(aa) Wherever, in the opinion of the Board, traffic generated by a development will adversely impact existing public streets or the improvements to be made to such streets and intersections in an effort to mitigate such impacts.

(bb) Where a subdivision borders an existing substandard street or when the Master Plan Reports or Official Map indicate plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to improve and dedicate such areas for widening or realignment of such roads.

(x) Alleys: Alleys shall be provided in commercial and industrial districts. The Planning Board may waive this requirement where other definite and assured provisions are made for service access, such as off-street loading, unloading and parking consistent with and adequate for the proposed uses.

(xi) Bridges: Bridges shall be provided wherever, in the opinion of the Board, they are needed to achieve a grade separated crossing of two streets or a street and a railroad, or the crossing of a water body.

(xii) Excess Right-of-Way: Right-of-Way widths in excess of the standards designated in these regulations shall be required whenever, due

SECTION 9.04 Streets (continued)

to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three to one.

(xiii) Reserve Strips: The creation of reserve strips controlling access to streets shall be prohibited except where required by the Board and where their control is explicitly placed with the City.

(xiv) Half-Width Streets Prohibited: Streets proposed to be laid out along the boundary of a subdivision so that half of the width of the street shall be located on adjoining property, shall be prohibited unless the full right-of-way is dedicated and improved as part of the subdivision.

(3) Design Standards

(a) Right-of-Way and Travelled Way: Standards for the laying out of rights-of-way and travelled ways are contained in the following Table 9-1 and displayed on Figures 9A, 9B and 9C Typical Street Sections. Sections of arterial streets, marginal access roads, and private drives will be as approved by the Planning Board upon recommendation from the City Engineer.

(b) Preparation of the Right-of-Way and Street Base: The entire width of the right-of-way shall be cleared of all stumps, brush, roots, boulders, like material, and trees not intended for preservation.

(c) Street Surfacing: The street shall be paved to the full width specified in Table 9-1. The finished surface must be level and even as to form a close, even union around all curbs, and projecting frames. It is the applicant's responsibility to see that all manhole frames, gate boxes and catchbasin frames are at street grade and accessible for their intended use.

In all cases other than private drives, the surfacing shall be three (3) inches of hot bituminous pavement per State Specifications. Private drives may be surfaced with asphalt surface treatment per State Specifications or otherwise shall be surfaced in accordance with the standard for City streets.

SECTION 9.04 Streets (continued)

- (d) Sidewalks: Sidewalks shall be constructed in accordance with the standards contained in Section 9.06 of these regulations.
- (e) Curbs: In all but low density residential districts and at intersections in all districts, curbing shall be vertical granite, five (5) inches in width, per State Specifications. Except at intersections in low density residential districts, curbing shall be sloped granite, per State Specifications.
- (f) Intersections
 - (i) Proposed new intersections along one side of an existing street shall, wherever practical, coincide with any existing intersections on the opposite side of such street. Street jogs with center-line offsets of less than one hundred twenty-five (125) feet shall not be permitted except where the intersected street has separated dual drives without median breaks at either intersection. Where minor or collector streets intersect arterial streets, their alignment shall be continuous. Intersection of arterial streets shall be at least eight hundred (800) feet apart.
 - (ii) Minimum curb radius at any intersection shall be at least thirty (30) feet.
 - (iii) Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2%) rate at a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.
 - (iv) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.

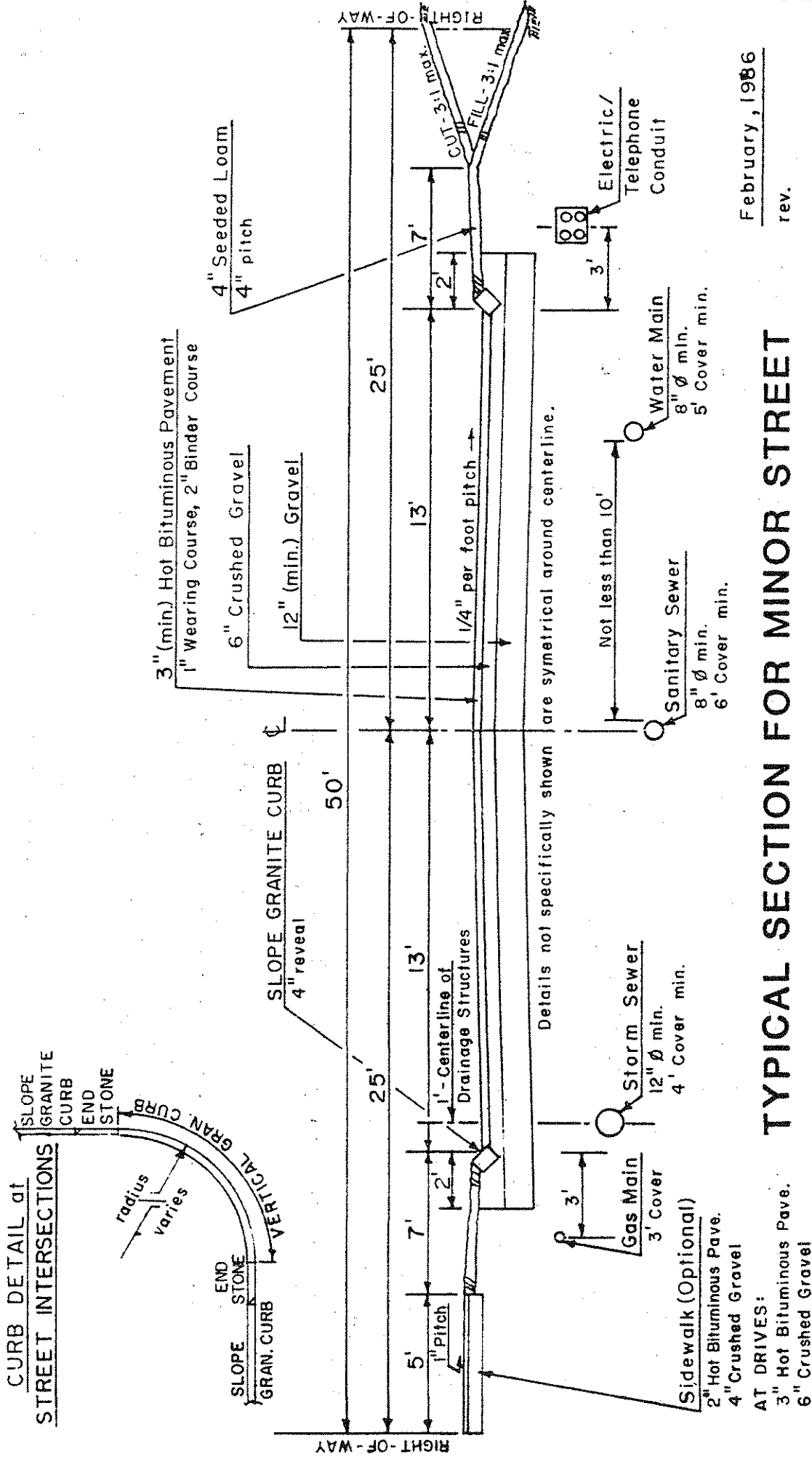
TABLE 9 - 1

| Street Classification | Right-of-Way (in feet) | Traveled Way (in feet) | Grade (%) | | Minimum Radius of Curvature of Center- line (in feet) | Minimum Length of Tangent Between Reverse Curves (in feet) | Minimum Sight Distance (in feet) | Design Speed (MPH) |
|---|---------------------------|---------------------------|--------------|-----|--|---|-------------------------------------|-----------------------|
| | | | Max | Min | | | | |
| Primary Arterial | 120 | 72(a) | 5 | 0.5 | 500 | 400 | 500 | 55 |
| Secondary Arterial | 80 | 48 | 6 | 0.5 | 300 | 300 | 400 | 40 |
| Collector | 66 | 40 | 8 | 0.5 | 100 | 200 | 300 | 35 |
| Minor (b) | 50 | 30 | 8 | 0.5 | 100 | 150 | 200 | 30 |
| Minor in Low Density Residential District | 50 | 26 | 8 | 0.5 | 100 | 150 | 200 | 30 |
| Cul-de-sac | 50 | 26 | 8 | 0.5 | 62 | (-) | 200 | 25 |
| Marginal Access Street | 40 | 26 | 8 | 0.5 | 100 | 150 | 200 | 30 |
| Common Private Drive | 50 | 22(c) | 10 | 0.5 | 100 | 100 | 200 | 25 |

Footnotes:

- a. Includes a 16 foot median.
- b. In Residential Districts, loop roads, or those streets with termini on the same adjacent street, shall be built to the standard prescribed for a cul-de-sac.
- c. At the discretion of the Board, may be reduced to 18 feet in low density Residential Districts where such drive will serve 10 or fewer dwelling units.
- d. At the discretion of the Board and based upon a recommendation from the Director of Public Works, the maximum grade and minimum radius may be modified if a combination of the allowable limits will result in a hazardous alignment or significantly increase costs for future roadway maintenance.

CURB DETAIL at STREET INTERSECTIONS



February, 1986
rev.

TYPICAL SECTION FOR MINOR STREET IN

Low Density Districts (Lot size 40,000 s.f. or more)

Looking WEST or SOUTH

No Scale

Figure 9-B

SECTION 9.04 Streets (continued)

- (v) The cross-slopes on all streets, including intersections, shall be three percent (3%) or less.
- (g) Blocks: The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths shall not exceed one thousand two hundred (1,200) feet nor be less than five hundred (500) feet in length. Wherever practical, blocks along arterials and collector streets shall be not less than one thousand (1,000) feet in length.
- (h) Cul-de-sacs: Cul-de-sacs, or permanent dead-end streets, shall not exceed one thousand (1,000) feet in length and shall terminate in a circular turnaround with a right-of-way diameter of 160 feet, and outside edge of pavement diameter of one hundred fifty (150) feet, and a center island diameter of ninety-eight (98) feet.
- (i) Temporary Turnaround: A street which is to be a dead-end street on a temporary basis, such street shall terminate in a T-shaped or hammerhead turnaround. In such cases, an area thirty (30) feet in width shall be added to each side of the final thirty (30) feet of the right-of-way. The base and pavement shall be continued from the travelled way into each of the thirty (30) foot squares to a point which is five (5) feet from each of the exterior limits of these areas.
- (j) Alleys: The width of an alley shall be twenty (20) feet and shall be paved full width. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead-end, as determined by the Planning Board.
- (k) Bridges: The design of any bridge shall be approved on a case by case basis by the Board, upon recommendation of the City Engineer.
- (l) Street Trees: Street trees shall be as specified in Section 9.12 (3).
- (m) Street Lights: The poles and light fixtures shall be as approved by the Board upon recommendation of

SECTION 9.04 Streets (continued)

the City Engineer. The installation of the poles shall be as specified by the City Engineer.

- (n) Traffic Islands: Traffic islands when used at access points shall be designed to provide entry access which shall accommodate an emergency vehicle with inside and outside turning paths of thirty (30) feet and fifty (50) feet respectively. Direction of response of such vehicles can be taken into consideration.

9.05 Off-Street Parking and Loading

- (1) General Requirements: All subdivisions shall make adequate provisions for off-street parking and loading facilities. Such facilities shall be designed to ensure the safety and convenience of pedestrian and vehicular movement on the site. The design shall also minimize the impact of intrusive elements of parking and loading such as noise, dust, and glare upon neighboring properties and land uses.
- (2) Required Improvements: Every subdivision shall provide an area for parking and loading on the site which is paved and drained. The number of parking and loading spaces shall conform to the requirements in the Zoning Ordinance. Parking spaces for the handicapped shall be provided in accordance with the Architectural Barrier Free Design Code for the State of New Hampshire.
- (3) Design Standards
 - (a) The design and layout of parking and loading, screening, and landscaping shall conform to the requirements of the Zoning Ordinance and these regulations;
 - (b) Each and every parking space shall have a safe and independent access;
 - (c) Provision shall be made on-site for the storage of snow which is removed from the parking and loading areas during the winter months;
 - (d) Parking and loading areas and driveways shall be paved to either of the following standards:
 - (i) Three (3") hot bituminous pavement per State Specifications;
 - (ii) Asphalt surface treatment per State Specifications.

SECTION 9.05 Off-Street Parking and Loading (continued)

- (e) The following dimensional standards shall pertain to parking at some angle to an aisle. The length and width describe a rectangle that would enclose a vehicle parked in that space.
 - (i) a space for a standard size automobile shall be nine (9) feet wide and nineteen (19) feet long;
 - (ii) a space for a compact size automobile shall be seven point five (7.5) feet wide and fifteen (15) feet long;
 - (iii) a space for a vehicle for the handicapped shall be twelve (12) feet wide and nineteen (19) feet long;
 - (iv) an aisle shall be a minimum of twenty-four (24) feet in width, except where spaces are at an angle of thirty (30) to sixty (60) feet to an aisle, the width of such an aisle may be reduced to twenty (20) feet.
- (f) Driveways connecting parking lots to public or private streets shall be a minimum of twenty-two (22) feet in width for two-way traffic flow and twelve (12) feet in width for one-way traffic flow, and shall have a minimum curb or edge of pavement radius of thirty (30) feet.

9.06 Sidewalks

- (1) General Requirements: Within and adjacent to subdivisions, sidewalks and other pedestrian facilities shall be provided in locations which are functional and efficient, and which enhance pedestrian safety. Sidewalks should a) be functional, in providing a path between and among residences, shops, schools, parks, and other destinations; b) be efficient, in carrying a minimum number of pedestrians along the same path; and c) enhance pedestrian safety, in providing an alternative to walking along the edge of the travelled way where the volume and speed of traffic, and the dimensions and physical condition of the roadway would represent hazards to pedestrian passage.
- (2) Required Improvements
 - (a) Sidewalks shall be provided within the dedicated right-of-way of all streets in the various density districts as shown in Table 9-2 below:

SECTION 9.06 Sidewalks (continued)

- (b) Wherever necessary, in the judgement of the Board, easements for pedestrian travel and access shall be required in order to facilitate pedestrian access within a subdivision, or between a subdivision and public property, or from streets to public property.

(3) Design Standards

- (a) Sidewalks shall be provided within the street right-of-way in accordance with the typical street cross section as contained in Section 9.04.
- (b) Sidewalks shall be five (5) feet in width.
- (c) Sidewalks shall have transverse slope of 1/5 of an inch per foot, sloping towards the street.
- (d) Preparation of the base shall be accomplished by removing material to a depth of eight (8) inches below finished design grade. Any soft spots of undesirable material shall be removed and replaced with gravel. The excavated area shall be filled with six (6) inches of gravel and rolled.
- (e) Forms shall be set to grade, than a one (1) inch binder and one (1) inch surface course of hot bituminous pavement shall be placed, except at driveways where the binder thickness shall be two (2) inches.
- (f) At all intersections, the sidewalks shall be constructed across the grass plot to the edge of the travelled way.
- (g) Sidewalks shall comply in all respects to the Architectural Barrier Free Design Code for the State of New Hampshire as most recently adopted.
- (h) Easements for pedestrian passage shall be at least twenty (20) feet in width within which a pathway of at least five (5) feet in width shall be prepared and duly designated. The design of such pathways shall be approved by the Board upon recommendation from the City Planning Department.

SECTION 9.06 Sidewalks (continued)

TABLE 9 - 2
SIDEWALKS REQUIRED

| Street Classification | <u>Density Districts</u> | | | | |
|-------------------------------|--------------------------|------------|------------|------------------------|---------------|
| | <u>Residential</u> | | | <u>Non-Residential</u> | |
| | Low | Medium | High | Low | Medium & High |
| Cul-de-sac | - | * | Both Sides | * | Both Sides |
| Minor Street | - | One Side | Both Sides | * | Both Sides |
| Collector Street | * | Both Sides | Both Sides | * | Both Sides |
| Primary & Secondary Arterials | * | Both Sides | Both Sides | * | Both Sides |

*The Planning Board may require sidewalks on these streets in this district depending on the presence of, or potential for, pedestrian traffic within or passing through this district.

SECTION 9.07 Storm Water Drainage

- (1) General Requirements: All subdivisions shall make adequate provisions for storm water disposal facilities which shall be designed by a registered engineer. Where municipal storm sewers are available, the extension of said sewers to and within a proposed subdivision shall be required. If municipal storm sewers are not available, swales and drainageways shall be provided within specified easements to carry stormwater to existing water courses or existing storm drains. If the storm water drainage system creates any additional flow over other properties, the developer shall obtain easements therefor from the owners of said properties.

(2) Required Improvements

- (a) Municipal Storm Sewers: For subdivisions in High Density Districts, municipal storm sewers shall be required.

For subdivisions in Medium and Low Density Districts, municipal storm sewers shall be required, if available, within one thousand five hundred (1,500) feet of the premises or as otherwise determined by the Board. Where municipal storm sewers are not available at the time of application, but said storm sewers will become available in the future because of inclusion in the Capital Improvement Program, the applicant shall install a municipal storm sewer system, ready for connection to the municipal system at the time of its expansion.

- (b) Storm Water Drainage System: Where municipal storm sewers are not required under Section 9.07 (2)(a), a system shall be required to be designed and constructed to carry away all surface runoff.

(3) Design Standards

- (a) Municipal Storm Sewer Systems: Storm water runoff shall be carried away in a sub-surface, piped, storm sewer system. Such drainage facilities shall be located in the road right-of-way where feasible and shall be constructed in accordance with the standards and specifications of the City of Concord. When located in the right-of-way, storm sewers shall be located in accordance with the typical street cross-section as contained in Section 9.04. Where topography or other conditions are such as to make impractical the inclusion of drainage

SECTION 9.07 Storm Water Drainage (continued)

facilities within road rights-of-way, perpetual unobstructed easements at least twenty-five (25) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access property outside the road lines and with satisfactory access to the road. Drainage easements shall be carried from the road to a natural watercourse or the other drainage facilities.

- (b) Stormwater Drainage System: Where public storm sewers are not required, surface water runoff shall be carried away in a system of swales, drainageways, culverts, and channels to a natural watercourse or to other drainage facilities. Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction, or both, as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow. The applicant shall dedicate, either in fee or by drainage or conservation easement, land on both sides of existing watercourses to a distance to be determined by the Planning Board.
- (c) Accommodation of Upstream Drainage Areas: A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision, assuming conditions of maximum potential watershed development is permitted by the Zoning Ordinance.
- (d) Effect on Downstream Drainage Areas: When a proposed drainage system will carry water across land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Planning Board may withhold approval of the subdivision until provision has been made for the improvement of said potential condition. Alternatively, upon recommendation from the City Engineer, the Board may approve on-site retention or detention facilities to prevent the overloading of existing downstream facilities.

SECTION 9.07 Storm Water Drainage (continued)

- (e) Flood Plain Areas: The Planning Board may, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the development of any portion of the property which lies within the flood plain or any stream or drainage course. These flood plain areas shall be reserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the Planning Board.
- (f) Areas of Poor Drainage: The Planning Board may prohibit the development of any portion of the property identified as wetland, any may require the preservation and dedication of such. In areas containing poorly drained soils, including areas subject to a fluctuating water table, the Board may require that studies be prepared by a registered engineer relative to the impact of groundwater on the storm drainage system. Depending upon the nature and magnitude of the impacts so identified, the Board may prohibit the development of those portions of the property.

9.08 Water Supply

- (1) General Requirements: All subdivisions shall make adequate provision for a supply of potable water for domestic consumption and for water supply for fire protection purposes. Where a municipal water supply system is present in the vicinity of a proposed subdivision, the extension of said system shall be required to the land on which a proposed subdivision is located, and a municipal water system shall be constructed to serve lots in a proposed subdivision. In locations where the master plan for the municipal water system indicates that a municipal water system is to be extended, water mains, for later connection to the municipal water system, shall be constructed to serve the lots within a proposed subdivision. If municipal water supply is not available, water shall be provided by individual wells or a private central system. All water supply systems and facilities shall be designed by a registered engineer.
- (2) Required Improvements
 - (a) Municipal Water System: For subdivisions in High and Medium Density Districts, a municipal water system shall be required. For subdivisions on parcels of land in Low Density Districts, which are within fifteen hundred (1,500) feet of an existing municipal water system, an extension of municipal

SECTION 9.08 Water Supply (continued)

water mains shall be required to the middle of the frontage of the subdivision site, or to the nearest proposed access road, whichever distance is greater, or the applicant shall provide for a satisfactory financial guarantee or assurance for the required improvements. Where a municipal water system is not available at the time of the application, but said water system will become available in the future because of inclusion in the City's Capital Improvement Program, or because of inclusion in the master plan of the municipal water system, the applicant shall install, or provide satisfactory financial assurances for installation of, water mains which will be suitable for, and prepared for, connection to the municipal system at the time of its expansion, and which may be used as components of a separate central system, pending connection to the municipal system.

- (b) Non-Municipal Water Supply: Where a municipal water system is not required under Section 9.08 (2) (a), water supply shall be provided through private wells on individual lots or by a private central system, which may be transferred to the Concord Water Department, upon approval of said department.

(3) Design Standard

(a) Municipal Water System

- (i) The applicant shall install facilities for the supply and distribution of water, including fire protection capabilities, in a manner prescribed by the construction standards and specifications of the City of Concord. Water mains shall be located within street rights-of-way unless topography dictates otherwise. When located in the right-of-way, water mains and appurtenant facilities shall be located in accordance with the typical street cross-section as contained in Section 9.04. When water mains are located in easements across private property, said easements shall be unobstructed in perpetuity, shall be twenty-five (25) feet in width, and shall provide satisfactory access to a street.
- (ii) Insurance Services Office (ISO) standards are to be followed concerning the placement and spacing of hydrants to insure that adequate fire flow protection is provided.

SECTION 9.08 Water Supply (continued)

- (b) Non-Municipal Water Supply: Where municipal water supply is not required, water supply shall be provided through either of the following methods:
 - (i) Individual private wells, the location of which shall comply with all standards of the N.H. Department of Environmental Services (DES), and the construction of which shall comply with applicable standards of the N. H. Water Well Board; or
 - (ii) A central water system, serving two or more lots or users, which shall conform and meet all standards set for community water services as established by the N.H. Department of Environmental Services (DES) even though the DES may not invoke jurisdiction in all cases, and which shall be approved by the Concord Water Department.

9.09 Sanitary Sewage Disposal

- (1) General Requirements: All subdivisions shall make adequate provisions for sanitary sewage disposal facilities and said facilities shall be designed by a registered engineer. Where municipal sanitary sewers are present in the vicinity of a proposed subdivision, the extension of said sewers shall be required to the land on which a proposed subdivision is located and shall be required to serve the lots in a proposed subdivision. If sanitary sewers cannot be connected by gravity flow to the municipal system, sanitary sewage disposal shall be accomplished through the provision of pumped systems acceptable to the city, through individual waste disposal systems or by means of a central sewerage system.
- (2) Required Improvements
 - (a) Municipal Sanitary Sewers: For subdivisions in High and Medium Density Districts, municipal sanitary sewers shall be required. For subdivisions on parcels of land in Low Density Districts, which are within fifteen hundred (1500) feet of an existing municipal sanitary sewer main, an extension of municipal sanitary sewer mains shall be required to the middle of the frontage of the subdivision site, or the applicant shall provide for a satisfactory financial guarantee or assurance for the required improvements. In low density districts, if the subdivision is located so that it may reasonably be expected to be served by the mains and interceptors of the City's sanitary sewer system, sanitary sewer

SECTION 9.09 Sanitary Sewage Disposal (continued)

mains shall be installed within the subdivision, ready for connection to the municipal system at the time of its expansion.

- (b) Non-Municipal Sanitary Sewage Disposal: Where a municipal sanitary sewer system is not required under Section 9.09 (2)(a), sanitary sewage disposal shall be provided by individual waste disposal systems on lots of appropriate size and soil types as defined in the City Zoning Ordinance and of sufficient size to assure an area appropriate for two leaching fields which meet requirements of the State of New Hampshire Department of Environmental Services (DES), or by a central sewerage system.

(3) Design Standard

- (a) Municipal Sanitary Sewers: The applicant shall install sanitary sewer facilities to serve each lot or dwelling unit in a manner prescribed by the construction standards and specifications of the N.H. Department of Environmental Services. Sanitary sewers shall be located within street rights-of-way, unless topography dictates otherwise. When located in the right-of-way, sewers shall be located in accordance with the typical street cross-section as contained in Section 9.04 (3). When sewers are located in easements across private property, said easements shall be unobstructed in perpetuity, shall be twenty-five (25) feet in width, and shall provide satisfactory access to a street.
- (b) Non-Municipal Sanitary Sewage Disposal: Where municipal sanitary sewers are not required, sanitary waste disposal may be accomplished by either of the following methods:
- (i) Individual disposal systems, the design and location of which shall meet the requirements of, and be approved by the State of New Hampshire Department of Environmental Services (DES). Said systems shall be located on private property, and shall meet all location requirements of the Department of Environmental Services; or
- (ii) a central sewerage system, the design and location of which shall be approved by the State of New Hampshire Department of Environmental Services and the proposed ownership and operation of which is acceptable to the city.

9.10 Non-Municipal Utilities

- (1) General Requirements: All subdivision shall make adequate provision for non-municipal utilities as may be necessary and appropriate for the subdivision. The applicant is responsible for all coordination with the utility companies to assure that non-municipal utilities are installed in accordance with plans approved by the Board pursuant to these regulations.
- (2) Design Standards
 - (a) Location: Except in Industrial Zoning Districts, all utility facilities, including, but not limited to, gas, electric power, telephone, and CATV cables, shall be located underground throughout the subdivision. Whenever existing utility facilities are located above ground, except where existing on public roads and rights-of-way, they shall be removed and placed underground. Utilities shall be located within street rights-of-way in accordance with the typical street cross-section as contained in Section 9.04.

9.11 Parks, Open Space, and Sites for Other Public Uses

- (1) General Requirements: Where land for open space preservation or where a site for a future park, playground, school, or other public use, as identified in the Master Plan, is located in whole or in part within the land proposed to be subdivided or otherwise developed, the Planning Board shall require the dedication of such land within the subdivision.

Where a subdivision does not infringe upon any sites for public uses as identified in the Master Plan, the Board may require the dedication or reservation of other such areas or sites suitable to the needs created by such development for open space, parks, schools, or other public facilities. Where an appropriate site cannot be located within the subdivision, the Board shall require a payment to the City in lieu of the land which otherwise would have been required to be dedicated. Such payments will be used by the City to acquire and improve facilities, or to upgrade existing facilities in the neighborhood in which the subdivision is located.

- (2) Required Improvements
 - (a) The Planning Board shall require that land be dedicated for parks, playgrounds, schools or other public purposes in locations designated in the

SECTION 9.11 Parks, Open Space, and Sites for Other Public Uses
(continued)

Master Plan Reports. Where a proposed park, school, public facility, playground, or other open space shown on the Master Plan is located in whole or in part in a proposed subdivision, the Board shall require the dedication of such land as a condition of approval of the final plat.

- (b) Where proposed public sites, designated in the Master Plan, are not located within the boundaries of a subdivision, the Board may require the dedication or reservation of other areas or sites suitable to the needs created by such development for open space, parks, schools or other public facilities.
- (c) Land reserved or dedicated for open space or recreation, whether publicly or privately owned, shall be subject to sufficient deed restrictions to assure permanence of use for open space and recreation purposes. Open space and recreation land in private ownership shall be deeded in such a way that will assure operation or maintenance of the land in an orderly manner suitable for the purpose intended. Private ownership of a common open space by individual, association, or corporation means, shall provide for each lot deed to be so noted and assessed.
- (d) In cases where the Planning Board finds that due to the size, topography, or location of the subdivision, land for park, playground, schools or other public facility cannot be properly located therein, the Planning Board shall require, prior to final approval of the subdivision plat, that the applicant deposit with the City a cash payment in lieu of land reservation. Such deposit must be used for facilities that will be actually available to, and benefit, the persons in said subdivision and be located in the general neighborhood of the subdivision. Such deposit shall be used by the City for the acquisitions and improvement of a neighborhood park, playground, school, or public facility, or the improvement of an existing park, school or facility meeting the preceding condition.

The cash payment shall be an amount equal to the fair market value of the acreage which otherwise would have been required to be dedicated or reserved. The fair market value shall be the equalized valuation of the assessed valuation as most recently established prior to applicaiton for final approval.

SECTION 9.11 Parks, Open Space, and Sites for Other Public Uses
(continued)

- (e) Where lands are required to be dedicated or reserved in a Cluster Development or a Planned Unit Development, the areas so required to be reserved shall be credited to any requirements for similar reservations and dedications as contained in the Zoning Ordinance.
- (f) The provision of this section are minimum standards. None of the paragraphs above shall be construed as prohibiting a developer from reserving other land for recreation or open space purposes in addition to the requirements of this section.

(3) Design Standards

- (a) Land required to be dedicated or reserved shall be of suitable size, dimension, topography, and general character, and shall have adequate road access, for the particular purposes envisioned by the Planning Board. The area shall be shown and marked on the plat.

Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, play field, or for other recreation purposes, and shall be relatively level and dry. A recreation site shall have frontage on one (1) or more streets.
- (b) When land is required to be dedicated or reserved, the Planning Board shall determine the number of acres. In no case shall the amount required be more than ten percent (10%) of the total area of the subdivision.

9.12 Landscaping and Environmental Consideration

- (1) General: Existing features which would add value to a residential, commercial, or industrial development or the City as a whole, such as trees or groves, watercourses and falls, beaches, historic spots, vistas and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision nor any change of grade of the land effected until approval of the preliminary plat has been granted. Grading and clearing should be minimized so as to avoid creating undue erosion or interruption of natural drainage ways.

Particular attention should be given to natural features suitable as buffer strips between residential subdivisions and any abutting commercial or industrial areas. Similar

SECTION 9.12 Landscaping and Environmental Consideration (continued)

natural features that provide buffers between lots, or sections of a subdivision should be preserved to enhance privacy and attractiveness. Provisions for clearing may be made for southerly exposure for solar access to dwellings or buildings. All trees required shall be welled and protected against change of grade.

Lanscaping shall be provided to supplement the natural features which are preserved within the subdivision, and to enhance those portions of the subdivision in which natural features and vegetation are destroyed by construction and regarding. Landscaping shall be emphasized around buildings and parking lots, and along the street edges.

(2) Required Improvements

- (a) Existing trees on open space land shall be preserved wherever feasible, or unless otherwise directed by the Board. Due regard shall be given to preservation of existing features, trees, scenic points and other natural and historic resources within the open space. The Board may required additional tree planting and other landscaping appropriate to the area being developed.
- (b) Subdivision shall use construction methods which cause the least disturbance to the environment possible. Only manageable portions of the property shall be distrupted and laid bare at any one time. Bulldozing and filling activities conducted so far in advance of actual construction as to encourage excess runoff and erosion are prohibited
- (c) Land which the Planning Board finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning Board upon recommendation of the City Engineer, to solve the problems created by the unsuitable land conditions.
- (d) On land to be reserved for recreation or open space, undesirable growth and debris shall be removed. Wooded and brook areas shall be left natural; active recreation open space shall be graded properly to dispose of surface water, and shall be seeded with lawn grass. There shall be no depositing, dumping, or storage of waste, or other natural or man-made material, supplies, or equipment, on any subdivision land designated as open space. Removal of or

SECTION 9.12 Landscaping and Environmental Consideration (continued)

stripping topsoil or surplus materials from the open space area shall not be permitted. No work, removal, or filling shall be done, nor shall the existing natural characteristics of open space land be altered from the original condition, until a preliminary plat shall have been approved by the Board.

- (e) Landscaping shall be provided around buildings and parking lots, along the street edge, and in buffers between portions of the subdivision, or between the subdivision and neighboring land uses. Landscaping shall be required in accordance with the Zoning Ordinance and otherwise as deemed appropriate by the Planning Board.

9.13 Energy Conservation Design

To protect community welfare and provide for more efficient use of community facilities, the Planning Board shall consider conservation of energy in the design of subdivisions to include the following:

- (1) Pedestrian and bicycle routes safely separated from automobile traffic.
- (2) Commuter traffic lanes.
- (3) Orientation and design of dwellings and buildings for southerly solar access and minimum northerly exposure.
- (4) Lots to be cleared or graded so that a southerly solar access is provided for. Consideration shall be given to slope, height of nearest trees, dwellings, fences, walls or other permanent obstacles. The Planning Board may waive

SECTION 9.13 Energy Conservation Design (continued)

south-facing design requirements where a subdivider shows a need for solar access and the intent and purpose of the regulations are maintained.

9.14 Fire Lane and Fire Access

- (1) GENERAL REQUIREMENTS: All subdivisions shall make provision for fire apparatus access to structures to allow for effective rescue and firefighting operations.
- (2) REQUIRED IMPROVEMENTS
 - (a) Fire lanes shall be provided for any of the following structures which are not completely protected by an approved automatic fire protection system:
 - (i) Multi-family dwellings with the exception of one and two story attached dwellings;
 - (ii) All non-residential structures two (2) or more stories in height;
 - (iii) All non-residential structures containing 4,000 square feet or more on any floor.
 - (b) All other structures shall have fire access.
- (3) DESIGN STANDARDS
 - (a) Fire lanes shall:
 - (i) Be at least twenty-four (24) feet wide;
 - (ii) Be located parallel to the ridge line of the building or eave line of a flat roof as set forth in Table 9-3:

TABLE 9-3

REQUIRED DISTANCE FROM BUILDING WALL TO NEAREST EDGE OF FIRE LANES

| <u>BUILDING HEIGHT IN STORIES</u> | <u>MINIMUM</u> | <u>MAXIMUM</u> |
|---------------------------------------|----------------|----------------|
| 1 | 15 | 25 |
| 2 | 15 | 25 |
| 3 | 20 | 25 |
| 4 AND ABOVE | 25 | 25 |

SECTION 9.14 Fire Lane and Fire Access (continued)

- (iii) Be located along one longitudinal side of the structure;
 - (iv) Be a minimum of two thirds (2/3) of the building length;
 - (v) Be located parallel to the building so that the mid-point of the fire lane is perpendicular to the mid-point of the structure;
 - (vi) Be capable of supporting axle loads of eighteen (18) tons;
 - (vii) Be adequately posted with signs or pavement markings;
 - (viii) Be located along a side of the structure which has walk-in access to interior of the structure;
 - (ix) Have no trees between it and the building.
- (b) Fire lanes, where separated from the structure by parking spaces, shall have fifteen (15) foot corridors between vehicles fronting each walk-in access to the interior of the structure.
- (c) Fire access shall be provided through an unobstructed fifteen (15) foot corridor from the appropriate paved area to the main walk-in access point of the structure.
- (d) There shall be an area twenty (20) feet wide around all structures for which a fire lane is required which shall be landscaped so that the use of ground ladders to provide access to windows and doors is not precluded.

SECTION 10 Assurance for Completion and Maintenance of Improvements

10.01 Improvements and Assurances

- (1) Completion of Improvements: Before the plat is signed by the Chairman of the Planning Board, all applicants shall be required to complete, in accordance with the Planning

SECTION 10.01 Improvements and Assurances -- General (continued)

Board's decision and to the satisfaction of the City Engineer, all public improvements and those lot improvements on the individual lots of the subdivision as required in improvements on the individual lots of the subdivision as required in these regulations, specified on the final subdivision plat, and as approved by the Planning Board, and to dedicate the public improvements to the City of Concord free and clear of all liens and encumbrances on the property and improvements shall be certified in writing to the Board by the Director of Public Works, and the dedication of said improvements shall be certified in writing to the Board by the Director of Public Works, and the dedication of said improvements shall be certified in writing to the Board by the City Solicitor.

(2) Assurances

- (a) The Planning Board, in its discretion, may waive the requirements that the applicant complete all improvements and dedicate all public improvements prior to the signing of the subdivision. Where the Board waives the requirement, the applicant shall provide a financial guarantee for the improvements in order to place the City in an assured position at the time of the signing of the Final Plat.

No subdivision plat filed with the Board shall be approved until the subdivider shall have filed with the Board an engineer's estimate of costs of required public improvements and lot improvements together with plans, supporting data and documentation accompanied by one of the following financial guarantees:

- (i) A surety bond, issued by a surety company authorized to do business in New Hampshire, to be filed with the City;
- (ii) Cash to be deposited with the City under an escrow agreement;

SECTION 10.01 Improvements and Assurances - General (continued)

- (iii) A letter of credit drawn on a New Hampshire bank payable to the City and deposited with it.
- (b) The amount of the assurance shall be approved by the Planning Board upon the recommendation of the City Engineer as sufficient to secure to the City the satisfactory construction, installation, and dedication of the incompleted portion of required improvements. The assurance shall secure all lot improvements on the individual lots of the subdivision as required in these regulations.
- (c) Such assurances shall comply with all statutory requirements and shall be satisfactory to the City Solicitor as to form, sufficiency, and manner of execution as set forth in these regulations. The period within which required improvements must be completed shall be specified by the Planning Board in the resolution approving the final subdivision plat and shall be incorporated in the assurance and shall not exceed two (2) years from date of final approval.

The Planning Board may, upon proof of difficulty, extend the completion date as set forth in such assurance for a maximum period of one (1) additional year. At any time during the period of such assurance, a substitution of principal or sureties may be accepted by the Planning Board.
- (d) In the case of electric lines or other utilities to be installed by a public utility corporation, a statement shall be submitted to the Board from such corporation that the work will be done within a reasonable time and without expense to the City and that the utilities will be placed underground.
- (3) Temporary Improvement: The applicant shall build and pay for all costs of temporary improvements required by the Planning Board and shall maintain same for the period specified by the Planning Board. Prior to construction of any temporary facility or improvement, the developer shall file with the City a separate suitable assurance for temporary facilities, which assurance shall insure that the temporary facilities will be properly constructed, maintained, and removed.
- (4) Costs of Improvements: All required improvements shall be made by the applicant, at his expense, without

SECTION 10.01 Improvements and Assurances - General (continued)

reimbursement by the City.

- (5) Failure to Complete Improvements: For subdivisions for which no assurance has been provided, if the improvements are not completed within the period specified by the Planning Board in the resolution approving the plat, the approval shall be deemed to have expired. In those cases where an assurance has been posted and required, improvements have not been installed within the terms of such assurance, the City may thereupon declare the assurance to be in default and may use the proceeds to have the improvements installed regardless of the extent of the building development at the time the assurance is declared to be in default.

10.02 Inspection of Improvements:

- (1) General Procedure: The Planning Board shall provide for inspection of required improvements during construction and insure their satisfactory completion.

If the City Engineer finds, upon inspection, that any of the required improvements have not been constructed in accordance with the City's construction standards and specifications, the applicant shall be responsible for reconstructing the improvements. Wherever the cost of improvements is covered by a bond, the applicant and the bond company shall be severally and jointly liable for completing the improvements according to specifications.

- (2) Release or Reduction of Assurance

- (a) Certificate of Satisfactory Completion: The applicant's engineer or surveyor shall submit to the City Engineer a detailed "as built" survey plat of the subdivision, indicating location, dimensions, materials, and other information required by the Planning Board. The applicant's engineer shall certify to the City Engineer that the layout of the line and grade of all public improvements is in accordance with construction plans for the subdivision. The applicant shall also submit evidence of the existence of a title insurance policy to the City Solicitor. The Planning Board will not release, nor reduce, as assurance until the City Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed, are ready for dedication to the local government, and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the Planning Board

SECTION 10.02 Inspection of Improvements (continued)

shall thereafter accept the improvements for dedication in accordance with established procedure.

- (b) Reduction of Assurances: An assurance shall be reduced upon actual dedication of public improvements and then only to the ratio that the public improvement so dedicated bears to the total public improvements for the subdivision plat. In no event shall an assurance be reduced below twenty-five percent (25%) of the principal amount until all improvements are completed and dedicated.

10.03 Escrow Deposits for Lot Improvements

- (1) Acceptance of Escrow Funds: Whenever, by reason of the season of the year, any lot improvements required by the subdivision regulations cannot be performed, the Code Enforcement Administrator may issue a certificate of occupancy upon accepting a cash escrow deposit in an amount to be determined by the City Engineer for the cost of said improvements, provided there is no danger to health, safety, or general welfare. The performance bond covering such lot improvements shall remain in full force and effect.
- (2) Procedures on Escrow Fund: All required improvements for which escrow monies have been accepted by the Code Enforcement Administrator at the time of issuance of a certificate of occupancy shall be installed by the developer within a period of nine (9) months from the date of deposit and issuance of the certificate of occupancy. In the event that the improvements have not been properly installed at the end of the time period, the Code Enforcement Administrator shall give two (2) weeks written notice to the developer requiring him to install same, and in the event that same are not installed properly in the discretion of the Code Enforcement Administrator, the Code Enforcement Administrator may proceed to contract out the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit.

At the time of the issuance of the certificate of occupancy for which escrow monies are being deposited with the Code Enforcement Administrator, the applicant shall obtain and file with the Code Enforcement Administrator, prior to obtaining the certificate of occupancy, a notarized statement from the purchaser or purchasers of the premises authorizing the Code Enforcement Administrator to install the improvements at the end of the nine (9) month period in the event that the same have not been duly installed by the developer.

10.04 Maintenance_of_Improvements

- (1) The applicant shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks until acceptance of said improvements by the City.
- (2) The applicant shall be required to file a maintenance bond with the City prior to dedication in an amount considered adequate by the City Engineer and in a form satisfactory to the City Solicitor, in order to assure the satisfactory condition of the required improvements, including all lot improvements on the individual subdivided lots for a period of one (1) year after the date of their acceptance by the City and dedication of same to the City.

10.05 Issuance_of_Building_Permits_and_Certificates_of_Occupancy

- (1) No building permits shall be issued prior to the filing of the endorsed plat with the Merrimack County Registry of Deeds.
- (2) No building permit shall be issued for the final ten percent (10%) of lots in a subdivision, or if ten percent (10%) be less than four (4), for the final four (4) lots of a subdivision, until all public improvements required by the Planning Board for the plat have been fully completed and dedicated to the City.
- (3) No certificate of occupancy for any building in the subdivision shall be issued prior to the completion of the improvements and dedication of the public improvements to the City of Concord, as required in the Planning Board's final approval of the subdivision plat.

10.06 Consumer_Protection_Legislation_and_Conflicts_of_Interest_Statutes

- (1) No building permit or certificate of occupancy shall be granted or issued if a developer or his authorized agent shall have violated any federal, state, or local law pertaining to consumer protection of real estate land sales, promotion, or practices, or any applicable conflicts-or-interest legislation with respect to the lot or parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.
- (2) With respect to said lot or parcel of land, in the event a building permit or certificate of occupancy has been granted or issued, it shall be subject to revocation by the municipality until so ordered otherwise by a court of competent jurisdiction, provided that in no event shall the

SECTION 10.06 Consumer Protection Legislation (continued)

rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any such revocation.

- (3) Any violation of a federal, state, or local consumer protection law, including but not limited to Postal Reorganization Act of 1970; the Federal Trade Commission Act of 1970; Interstate Land Sales Full Disclosure Act; the Truth in Lending Act; the Uniform Commercial Credit Code; State "Blue Sky" laws; State subdivision disclosure act(s) or conflicts of interest statute, law, or ordinance shall be deemed a violation of these regulations and subject to all of the penalties and proceedings as set forth in these regulations.

SECTION 11 Administration and Enforcement

11.01 Amendments

For the purpose of providing for the public health, safety, and general welfare, the Planning Board may, from time to time amend, change, alter, add or rescind the provisions imposed by these subdivision regulations. Notification, public hearings, publications and certification of all proposed amendments shall be accomplished by the Planning Board in accordance with applicable chapters of the New Hampshire Revised Statutes Annotated.

11.02 Reservations

Upon adoption of these regulations according to law, the Subdivision Regulations of the Planning Board of the City of Concord, adopted February 7, 1950; April 6, 1964; and May 4, 1970; and as amended; are hereby repealed, except as to such sections expressly retained herein. The Regulations adopted on May 22, 1985, will become effective on July 18, 1985.

11.03 Conditions

- (1) Regulations of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to this municipality. The developer has the duty of compliance with reasonable conditions laid down by the Planning Board for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the municipality and to the safety and general welfare of the future plot owners in the subdivision and of the community at large.
- (2) The Planning Board may require an assurance or financial guarantee in an amount, and with surety, and conditions in lieu of completion of such work and installation previous to final approval of a plat. Bond provisions may be required for actual construction and installation of improvements and utilities within a specified time period.
- (3) The Planning Board may also require a maintenance bond so that the City is placed in an assured position that the completed improvements and utilities will remain in satisfactory condition for a period of one (1) year.

11.04 Interpretation, Conflict, and Separability

- (1) In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

SECTION 11.04 Interpretation, Conflict, and Separability (continued)

(2) Conflict with Public and Private Provisions

(a) Public Provisions: The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or registration, statute, or other provision of law. Where any provision of these regulations imposes restriction different from these imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

(b) Private Provisions: These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provision of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determination of the Planning Board in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

(3) Separability: If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Planning Board hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

11.05 Saving Provision

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision

SECTION 11.05 Saving_Provision(continued)

regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the City under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the City except as shall be expressly provided for in these regulations.

11.06 Waivers

- (1) General: Where the Planning Board finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such waiver shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Planning Board shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that:
 - (a) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;
 - (b) The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;
 - (c) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;
 - (d) The waivers will not in any manner vary the provisions of the Zoning Ordinance, Master Plan Reports, or Official Map.
- (2) Conditions: In approving waivers, the Planning Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.
- (3) Procedures: A petition for any such waiver shall be submitted in writing by the subdivider at the time when the

SECTION 11.06 Waivers (continued)

preliminary plat is filed for the consideration of the Planning Board. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

- 11.07 Transfer of Ownership: Where the applicant-owner of the parcel to be subdivided transfers ownership of said parcel prior to the signing of the plat, the original applicant-owner shall submit an acknowledgement of Planning Board action. The acknowledgement shall state all the actions of and conditions imposed by the Planning Board on the subdivision application to date. Both the original applicant-owner and the new owner must sign the acknowledgement. The acknowledgement shall contain the following:

SECTION 11.07 Transfer of Ownership (continued)

Transfer of Ownership
Acknowledgement of Planning Board Action

Original Applicant-Owner: _____ Address: _____

New Owner: _____ Address: _____

Subdivision Application Number and Description: _____

Planning Board Action to Date:

Sketch Plan Approval: _____

Conditions: _____

Preliminary Plat Approval: _____

Conditions: _____

Final Plat Approval: _____

Conditions: _____

The undersigned hereby acknowledge the Planning Board actions and conditions regarding the subdivision of _____.

Original Owner

New Owner

I hereby consent to honor the actions and conditions imposed by the Planning Board regarding the subdivision of _____.

New Owner

11.08 Vacation of Approved Plats

- (1) Any plat or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated.
- (2) Such an instrument shall be approved by the Planning Board and shall be executed, acknowledged, approved, and recorded or filed in like manner as plats of subdivisions; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described in such plat.
- (3) When lots have been sold, the plat may be vacated in the manner provided in Section 11.08 (1)(2) by all the owners of lots in such plat joining in the execution of such writing.

11.09 Official Map

The recordation of plats which have been approved as provided herein shall without further action modify the official map in accordance therewith.

11.10 Acceptance of Public Improvements

No public improvements will be considered for acceptance by the City until such time as all improvements have been carried out as shown on the final plat, in accord with the requirements of these regulations, and subject to any conditions established by the Planning Board at the time of final plat approval.

11.11 Public Hearing

All plats shall have a hearing prior to approval/disapproval by the Planning Board. Such public hearing shall be held at the appropriate stage as indicated in Section 7.

- (a) The applicant and all abutters shall be notified of the hearing by certified mail, return receipt requested, at not less than ten (10) days before the date fixed therefore;

SECTION 11.11 Public Hearing (continued)

- (b) Said notice shall state time and place of said hearing;
- (c) The general public shall be notified of said hearing at City Hall, City Library and the Police Station Kiosk;
- (d) For the purposes of testimony at the said hearing, the term abutter shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration.

11.12 Action of the Board

(1) Approval/Disapproval

Within ninety (90) days of receipt of a completed application, the Board shall approve, modify and approve, or disapprove the application, unless the time for action has been extended an additional ninety (90) days by the City Council or other such period agreed on by consent of the applicant. Reasons for disapproval of a final plat shall be stated in the records of the Board and approval shall be certified by written endorsement on the plat by the Chairman and the Clerk of the Planning Board. The Vice Chairman, in the absence of the Chairman, and the Acting Clerk, in the absence of the Clerk, may certify the Planning Board's action.

(2) Premature Subdivision

An application for approval of a subdivision may be deemed premature by the Board where either of the following conditions are found to exist:

- (a) The proposed subdivision will occur in a location where municipal services or facilities are overburdened or will become overburdened by the placement of additional demand thereon;
- (b) The proposed subdivision is located where adequate municipal services are not available and are not as yet included in municipal plans of the city.

Where the Board finds the proposed subdivision to be premature, the Board may require that the proposed subdivision be altered, reduced, phased or deferred until the condition which causes it to be judged premature is corrected, removed or otherwise no longer exists.

11.13 Failure To Act

If the Planning Board has not obtained extension from the City

SECTION 11.13 Failure to Act

Council or obtained waiver of the applicant and has not taken action to approve or disapprove the plat within the ninety (90) days, the applicant may seek relief afforded by N.H. RSA 676:4 (c).

11.14 Filing with Registry of Deeds

An approved subdivision plat shall be recorded with the Merrimack County Registry of Deeds prior to any sale or transfer of land within the subdivision.

11.15 Appeals

Any person, aggrieved by an official action of the Board, may appeal therefrom to the Superior Court, as provided by N.H. RSA 677:15 within thirty (30) days of the filing of the decision of the Planning Board in the office of the Board. The filing of the decision in the office shall be verified by a registered letter to the applicant. The thirty (30) day appeal period shall commence upon the date that the letter, containing the Planning Board resolution, is sent to the applicant by registered mail. Said date of mailing is the same date as the filing date in the office.

11.16 Compliance with Regulations

No subdivision of land shall be made, and no land in any subdivision shall be sold or offered for sale or lease, and no street or utility construction shall be started until a final plat prepared in accordance with the requirements of these regulations, has been approved by the Board, and other required permits have been approved.

11.17 Enforcement, Violations, and Penalties

(1) General

- (a) It shall be the duty of the Clerk of the Planning Board to enforce these regulations and to bring to the attention of the City Solicitor any violations or lack of compliance herewith.
- (b) No owner, or agent of the owner, or any parcel of land located in a proposed subdivision shall transfer or sell any parcel before the plat of such subdivision has been approved by the Planning Board in accordance with the provisions of these regulations, and recorded and filed with the Merrimack County Registry of Deeds. Any lot to be transferred shall be specifically referenced on the approval stamp as approved by the Clerk and the Chairman of the Planning Board.

SECTION 11.17 Enforcement, Violations, and Penalties (continued)

- (c) The subdivision of any lot or any parcel of land, by the use of deeds, metes and bounds description or other written description shall be subject to all of the requirements contained in these regulations.
- (d) No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations.
- (2) Violations and Penalties: Any person, firm, or corporation who fails to comply with, or violates, any of these regulations shall be subject to a fine of \$500.00 for each lot or parcel so transferred or sold, as provided in N.H. RSA 676:16.
- (3) Civil Enforcement: Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation, to prevent illegal occupancy of a building structure or premises, and these remedies shall be in addition to the penalties described above.

11.18 Exemption From Subsequent Amendments to the Subdivision Regulations and Zoning Ordinances

Subsequent to the filing of an endorsed plat with the Merrimack County Registry of Deeds, said plat shall be exempt from compliance with further amendments to these regulations and to the Zoning Ordinance, only pursuant to N.H. RSA 674:39. Only those portions of the approved plat which are indicated in the Board's endorsement of the plat shall be deemed eligible for the said exemption.

AMENDMENTS TO SUBDIVISION REGULATIONS

Approved by City Planning Board
October 5, 1988

PROPOSED CHANGES IN SUBDIVISION REGULATIONS RELATIVE TO DEFINITIONS
Page 12

Amend Section 6.02 to delete the definition of subdivision and substitute the following definition:

6.02 *SUBDIVISION:

- (a). "Subdivision" means the division of the lot, tract, or parcel of land into 2 or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.
- (b) The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision.
- (c) The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unmanned structure which is less than 200 square feet, shall not be construed as a subdivision and shall not be deemed to create any new division of land for any other purpose.

PROPOSED CHANGES IN SUBDIVISION REGULATIONS RELATIVE TO DEFINITION OF
USEABLE LAND

Page 12

Amend Section 6.02 to add a new definition as follows:

USEABLE LAND: Land other than the following:

- (a) Land subject to excessive erosion;
- (b) Land having gradients greater than fifteen (15) percent;
- (c) Wetlands;
- (d) Land placed in the Floodplain (F1) or Floodway (F2) zoning districts;
- (e) Land placed in a Streambank and Shoreline (SS) zoning district;
- (f) Land which is subject to existing easements, covenants, or other legal restrictions which prohibit development or otherwise disallow the the construction or placement of buildings or structures on said land;
- (g) Dumps, landfills and stump dumps;
- (h) Airport Clear Zones.

New Section 7.01 (8) to read as follows:

- (8) SPECIAL INVESTIGATIONS: THE PLANNING BOARD, AT ITS DISCRETION, MAY EITHER REQUEST THE APPLICANT TO PREPARE SPECIAL STUDIES OF PUBLIC FACILITIES AND UTILITIES, NATURAL RESOURCES, ENVIRONMENTAL QUALITY ISSUES, OR FISCAL AND ECONOMIC IMPACTS AT THE APPLICANT'S EXPENSE, OR CONTRACT WITH A CONSULTANT TO PERFORM THESE STUDIES AT THE APPLICANT'S EXPENSE.

New Section 7.01 (9) to read as follows:

- (9) REVIEW OF APPLICATIONS: IN THE REVIEW OF APPLICATIONS, THE PLANNING BOARD MAY CONTRACT WITH CONSULTANTS TO REVIEW ALL OR PORTIONS OF ANY APPLICATION, AN ENVIRONMENTAL IMPACT STATEMENT, OR ANY SPECIAL STUDY REQUESTED BY THE PLANNING BOARD. THIS REVIEW SHALL BE AT THE APPLICANT'S EXPENSE.

PROPOSED CHANGES IN SUBDIVISION REGULATIONS RELATIVE TO SKETCH PLAN
REQUIREMENTS

Page 32

Amend Section 8.02(2)(a)(v) to read as follows:

(2) Site Analysis: Site analysis shall contain all information as required as Section 8.01 and shall include:

(a) Natural Features: The following information both on and adjacent to the site to be subdivided to show:

- (i) a vegetation survey; i.e. fields, swamplands, wetlands, grasses, shrubs and trees (deciduous and evergreen);
- (ii) rock outcrops, ledges, surface water, streams, seasonal or permanent water bodies or water courses including any known flood elevations, identification of high water marks;
- (iii) important views of and from the site;
- (iv) orientation to the sun, and direction of prevailing winds;
- (v) CONTOUR LINES BASED ON U.S.G.S. DATUM, at a minimum of ten (10) foot contour intervals, two (2) foot intervals where available;
- (vi) slopes in excess of 15%.

PROPOSED CHANGES IN SUBDIVISION REGULATIONS RELATIVE TO PRELIMINARY
PLAT REQUIREMENTS

Page 39

Amend Section 8.03(3)(d)(ii) to read as follows:

- (ii) A typical cross-section shall be provided for each classification of street proposed to be included in the subdivision. The TYPICAL cross-section shall indicate the location and width of pavement, curbs, sidewalks, right-of-way limits, and the locations of street trees, fire hydrants, UNDERGROUND UTILITIES, WIDTH AND DEPTHS OF SELECT MATERIALS, street lighting standards, and street signs. The typical locations of subsurface, and where appropriate, overhead utilities shall be shown. ROADWAY CROSS SECTIONS SHALL BE FURNISHED FOR EACH 100 FOOT STATION, AT THE CENTERLINE OF STREAMS AND MAJOR CULVERTS OR STRUCTURES, AND IF THE TERRAIN IS STEEP, HILLY OR UNEVEN, THEY SHALL BE FURNISHED FOR EACH 50 FOOT STATION AND AT ANY UNUSUAL OR ABRUPT CHANGES IN EXISTING GROUND. SECTIONS MAY BE DRAWN AT A SCALE OF ONE (1) INCH EQUAL TO TEN (10) FEET BUT A SCALE OF ONE (1) INCH EQUAL TO FIVE (5) FEET IS PREFERRED. The Planning Board may require additional cross-sections at specific locations where deemed necessary to evaluate the relationship of the street to adjacent property.

PROPOSED CHANGES IN SUBDIVISION REGULATIONS RELATIVE TO LOT
IMPROVEMENTS

Page 50

Amend Section 9.03 (3) to read as follows:

(3) Design Standards:

- (a) Lots shall be designed according to the standards established in the Zoning Ordinance.
- (b) EVERY LOT INTENDED FOR DEVELOPMENT PURPOSES SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS TO INSURE THAT EACH LOT SHALL BE COMPATIBLE WITH, AND CAPABLE OF, SUPPORTING THE TYPE OF DEVELOPMENT AND USE CONTEMPLATED:
 - (i) EACH LOT SHALL CONTAIN WITHIN THE LOT AT A MINIMUM, A CONTIGUOUS AREA OF USEABLE LAND EQUAL TO THE MAXIMUM LOT COVERAGE OF BUILDING AND PARKING AS ESTABLISHED IN THE ZONING ORDINANCE;
 - (ii) WHERE MUNICIPAL SANITARY SEWER SYSTEMS ARE NOT AVAILABLE THE APPLICANT SHALL DEMONSTRATE THAT EACH LOT CAN BE SERVED BY AN INDIVIDUAL WASTE DISPOSAL SYSTEM WHICH COMPLIES WITH THE CONSTRUCTION STANDARDS AND SPECIFICATIONS OF THE STATE OF NEW HAMPSHIRE, DEPARTMENT OF ENVIRONMENTAL SERVICES (DES);
 - (iii) IF THE LOT IS NOT SERVED BY A MUNICIPAL SANITARY SEWER SYSTEM, EACH LOT SHALL CONTAIN AT A MINIMUM 20,000 SQ.FT. OF CONTIGUOUS USEABLE LAND WITH A RECEIVING LAYER MEETING THE REQUIREMENTS OF THE (DES);
 - (iv) WHERE MUNICIPAL WATER SUPPLY SYSTEMS ARE NOT AVAILABLE THE APPLICANT SHALL DEMONSTRATE THAT EACH LOT CAN BE SERVED BY A PRIVATE WELL WHICH COMPLIES WITH THE CONSTRUCTION STANDARDS AND SPECIFICATIONS OF THE NEW HAMPSHIRE WATER WELL BOARD;
 - (v) SAFE AND SUFFICIENT VEHICULAR ACCESS EXISTS FROM THE ABUTTING PRIVATE OR PUBLIC STREET TO THE BUILDING SITE(S). THE PRIVATE DRIVEWAYS SHALL:
 - (1) HAVE A SLOPE NO GREATER THAN TEN (10) PERCENT;

- (2) HAVE A LANDING AREA AT THE INTERSECTION OF THE PRIVATE DRIVE AND THE PUBLIC OR PRIVATE ABUTTING STREET WITH A MINIMUM LENGTH OF THIRTY (30) FEET, A MINIMUM WIDTH OF TWELVE (12) FEET, AND A SLOPE NOT EXCEEDING TWO (2) PERCENT.

PROPOSED CHANGES IN SUBDIVISION REGULATIONS RELATIVE TO ROAD ARRANGEMENTS
Page 51

Amend Section 9.04 (2) (b) Streets to read as follows:

(2) Required Improvements

.....

(b) Arrangement

(i) All streets shall be properly integrated with the existing and proposed street system as established on the Official Map and the Master Plan.

The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, for effective fire protection, for efficient provision of utilities, and where such continuation is in accordance with the City plan. If the adjacent property is undeveloped and the street(s) must temporarily be a dead-end, the right-of-way shall be extended to the property line AND THE STREET(S) SHALL BE CONSTRUCTED TO THE PROPERTY LINE. WHERE THE PROPOSED ROADS IN A SUBDIVISION DO NOT PROVIDE A SECONDARY ACCESS, THE BOARD MAY REQUIRE THE ROADS IN A SUBDIVISION TO BE EXTENDED ACROSS OTHER PROPERTY TO ASSURE A SECOND ACCESS, OR, IN THE EVENT THAT RIGHTS-OF-WAY CANNOT BE OBTAINED ON OTHER PROPERTIES, THE BOARD SHALL LIMIT NEW ROADS WITH TEMPORARY DEAD-ENDS TO THE MAXIMUM LENGTH PROVISIONS FOR CUL-DE-SACS AS PROVIDED IN SECTION 9:04 (3) (h).

A temporary T-shaped turnabout shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued.

PROPOSED CHANGES IN SUBDIVISION REGULATIONS RELATING TO DESIGN
STANDARDS FOR STREETS

Page 57

Amend Section 9.04 (3), Table 9-1, to read as follows:

Add a new footnote (d) to Table 9-1 which reads as follows:

- (d) AT THE DISCRETION OF THE BOARD AND BASED UPON A RECOMMENDATION FROM THE DIRECTOR OF PUBLIC WORKS, THE MAXIMUM GRADE AND MINIMUM RADIUS MAY BE MODIFIED IF A COMBINATION OF THE ALLOWABLE LIMITS WILL RESULT IN A HAZARDOUS ALIGNMENT OR SIGNIFICANTLY INCREASE COSTS FOR FUTURE ROADWAY MAINTENANCE.

PROPOSED CHANGES IN SUBDIVISION REGULATIONS RELATIVE TO WATER SUPPLY
Pages 67-68

Amend Section 9.08 Water Supply to read as follows:

- (1) General Requirements: All subdivisions shall make adequate provision for a supply of potable water for domestic consumption and for water supply for fire protection purposes. Where a municipal water supply system is PRESENT IN THE VICINITY OF A PROPOSED SUBDIVISION, the extension of said system SHALL BE REQUIRED TO THE LAND ON WHICH A PROPOSED SUBDIVISION IS LOCATED, and A MUNICIPAL WATER SYSTEM SHALL BE CONSTRUCTED TO SERVE LOTS IN A proposed subdivision. IN LOCATIONS WHERE THE MASTER PLAN FOR THE MUNICIPAL WATER SYSTEM INDICATES THAT A MUNICIPAL WATER SYSTEM IS TO BE EXTENDED, WATER MAINS, FOR LATER CONNECTION TO THE MUNICIPAL WATER SYSTEM, SHALL BE CONSTRUCTED TO SERVE THE LOTS WITHIN A PROPOSED SUBDIVISION. If municipal water supply is not available, water shall be provided by individual wells or a central system. All water supply systems and facilities shall be designed by a registered engineer.

(2) Required Improvements

(a) Municipal Water System: For subdivisions in High and Medium Density Districts, a municipal water system shall be required. FOR SUBDIVISIONS ON PARCELS OF LAND in Low Density Districts, WHICH ARE WITHIN FIFTEEN HUNDRED (1,500) FEET OF AN EXISTING municipal water system, AN EXTENSION OF MUNICIPAL WATER MAINS shall be required TO THE MIDDLE OF THE FRONTAGE OF THE SUBDIVISION SITE, OR TO THE NEAREST PROPOSED ACCESS ROAD, WHICHEVER DISTANCE IS GREATER, OR THE APPLICANT SHALL PROVIDE FOR A SATISFACTORY FINANCIAL GUARANTEE OR ASSURANCE FOR THE REQUIRED IMPROVEMENTS. Where a municipal water system is not available at the time of the application, but said water system will become available in the future because of inclusion in the CITY'S Capital Improvement Program, OR BECAUSE OF INCLUSION IN THE MASTER PLAN OF THE MUNICIPAL WATER SYSTEM, the applicant shall install, OR PROVIDE SATISFACTORY FINANCIAL ASSURANCES FOR INSTALLATION OF, WATER MAINS WHICH WILL BE SUITABLE FOR, AND PREPARED FOR, connection to the municipal system at the time of its expansion, AND WHICH MAY BE USED AS COMPONENTS OF A SEPARATE CENTRAL SYSTEM, PENDING CONNECTION TO THE MUNICIPAL SYSTEM.

- (b) Non-Municipal Water Supply: Where a municipal water system is not required under SECTION 9.08 (2)(a), water supply shall be provided through private wells on individual lots or by a central system, WHICH MAY BE TRANSFERRED TO THE CONCORD WATER DEPARTMENT, UPON APPROVAL OF SAID DEPARTMENT.

(3) Design Standard

(a) Municipal Water System: The applicant shall install facilities for the supply and distribution of water, including fire protection capabilities, in a manner prescribed by the construction standards and specifications of the City of Concord. Water mains shall be located within street rights-of-way unless topography dictates otherwise. When located in the right-of-way, water mains and appurtenant facilities shall be located in accordance with the typical cross-section as contained in Section 9.04 (3). When water mains are located in easements across private property, said easements shall be unobstructed in perpetuity, shall be twenty-five (25) feet in width, and shall provide satisfactory access to a street.

(b) Non-Municipal Water Supply: Where municipal water supply is not required, water supply shall be provided through either of the following methods:

(i) Individual private wells, the location of which shall comply with all standards of the N.H. Water Supply and Pollution Control Commission, AND THE CONSTRUCTION OF WHICH SHALL COMPLY WITH APPLICABLE STANDARDS OF THE N. H. WATER WELL BOARD, or

(ii) A central water system, serving two or more lots or users, which shall conform and meet all standards set for community water services as established by the N.H. water Supply and Pollution Control Commission (WSPCC) even though the WSPCC may not invoke jurisdiction in all cases, AND WHICH SHALL BE APPROVED BY THE CONCORD WATER DEPARTMENT.

PROPOSED CHANGES IN SUBDIVISION REGULATIONS RELATIVE TO SANITARY SEWAGE DISPOSAL

Page 69

Amend Section 9.09 Sanitary Sewage Disposal to read as follows:

(1) General Requirements: All subdivisions shall make adequate provisions for sanitary sewage disposal facilities AND SAID FACILITIES shall be designed by a registered engineer. Where municipal sanitary sewers are PRESENT IN THE VICINITY OF A PROPOSED SUBDIVISION, the extension of said sewers SHALL BE REQUIRED TO THE LAND ON WHICH A PROPOSED SUBDIVISION IS LOCATED and SHALL BE REQUIRED TO SERVE THE LOTS IN A proposed subdivision. If sanitary sewers cannot be connected BY GRAVITY FLOW TO THE MUNICIPAL SYSTEM, sanitary sewage disposal shall be accomplished through the provision of PUMPED SYSTEMS ACCEPTABLE TO THE CITY, THROUGH individual waste disposal systems or BY MEANS OF a central sewerage system.

(2) Required Improvements

(a) Municipal Sanitary Sewers: For subdivisions in High and Medium Density Districts, municipal sanitary sewers shall be required. For subdivisions ON PARCELS OF LAND in Low Density Districts, WHICH ARE WITHIN FIFTEEN HUNDRED (1,500) FEET OF AN EXISTING municipal sanitary sewer MAIN, AN EXTENSION OF MUNICIPAL SANITARY SEWER MAINS shall be required TO THE MIDDLE OF THE FRONTAGE OF THE SUBDIVISION SITE, OR THE APPLICANT SHALL PROVIDE FOR A SATISFACTORY FINANCIAL GUARANTEE OR ASSURANCE FOR THE REQUIRED IMPROVEMENTS. IN LOW DENSITY DISTRICTS, IF THE SUBDIVISION IS LOCATED SO THAT IT MAY REASONABLY BE EXPECTED TO BE SERVED BY THE MAINS AND INTERCEPTORS OF THE CITY'S SANITARY SEWER SYSTEM, SANITARY SEWER MAINS SHALL BE INSTALLED WITHIN THE SUBDIVISION, READY FOR CONNECTION TO THE MUNICIPAL SYSTEM AT THE TIME OF ITS EXPANSION.

(b) Non-Municipal Sanitary Sewage Disposal: Where a municipal sanitary sewer system is not required under SECTION 9.09 (2)(a), sanitary sewage disposal shall be provided by individual waste disposal systems ON LOTS OF APPROPRIATE SIZE AND SOIL TYPES AS DEFINED IN THE CITY ZONING ORDINANCE AND OF SUFFICIENT SIZE TO ASSURE AN AREA APPROPRIATE FOR TWO LEACHING FIELDS WHICH MEET REQUIREMENTS OF THE STATE OF NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES (DES), or by a central sewerage system.

(3) Design Standard

(a) Municipal Sanitary Sewers: The applicant shall install sanitary sewer facilities to serve each lot or dwelling unit in a manner prescribed by the construction standards and specifications of the New Hampshire DEPARTMENT OF ENVIRONMENTAL SERVICES. Sanitary sewers shall be located

within street rights-of-way unless topography dictates otherwise. When located in the right-of-way, sewers shall be located in accordance with the typical street cross-section as contained in Section 9.04 (3). When sewers are located in easements across private property, said easements shall be unobstructed in perpetuity, shall be twenty-five (25) feet in width, and shall provide satisfactory access to a street.

- (b) Non-Municipal Sanitary Sewage Disposal: Where municipal sanitary sewers are not required, sanitary waste disposal may be accomplished by either of the following methods:

(i) Individual disposal systems, the design and location of which shall MEET THE REQUIREMENTS OF, AND be approved by the State of New Hampshire DEPARTMENT OF ENVIRONMENTAL SERVICES (DES). Said systems shall be located on private property, and shall meet all location requirements of the DEPARTMENT OF ENVIRONMENTAL SERVICES.

(ii) a central sewerage system, the design and location of which shall be approved by the State of New Hampshire DEPARTMENT OF ENVIRONMENTAL SERVICES AND THE PROPOSED OWNERSHIP AND OPERATION OF WHICH IS ACCEPTABLE TO THE CITY.

PROPOSED CHANGES IN SUBDIVISION REGULATIONS RELATIVE TO IMPROVEMENTS
AND ASSURANCES

Page 74

Amend Section 10.01 (2) to read as follows:

(2) Assurances:

- (a) The Planning Board, in its discretion, may waive the requirements that the applicant complete all improvements and dedicate all public improvements prior to the signing of the subdivision. Where the Board waives the requirement the applicant shall provide a financial guarantee for the improvements in order to place the City in an assured position at the time of the signing of the Final Plat.

No subdivision plat filled with the Board shall be approved until the subdivider shall have filed with the Board an engineer's estimate of costs of required public improvements and lot improvements together with plans, supporting data and documentation accompanied by one of the following financial guarantees:

- (i) A surety bond, issued by a surety company authorized to do business in New Hampshire, to be filed with the City;
- (ii) CASH TO BE DEPOSITED WITH THE CITY UNDER AN ESCROW AGREEMENT;
- (iii) A letter of credit DRAWN ON A NEW HAMPSHIRE BANK PAYABLE to the City and deposited with it.

PROPOSED CHANGES TO THE SUBDIVISION REGULATIONS RELATIVE TO PREMATURE
SUBDIVISIONS

Page 84

Amend Section 11.12 to revise and renumber the existing paragraph (1) and to add a new paragraph (2) as follows:

11.12 Action of the Board

(1) Approval/Disapproval

Within ninety (90) days of receipt of a completed application, the Board shall approve, modify and approve or disapprove the application, unless the time for action has been extended an additional ninety (90) days by the City Council or such other period agreed on by consent of the applicant. Reasons for disapproval of a final plat shall be stated in the records of the Board and approval shall be certified by written endorsement on the plat by the Chairman and the Clerk of the Planning Board. THE VICE CHAIRMAN, IN THE ABSENCE OF THE CHAIRMAN, AND THE ACTING CLERK, IN THE ABSENCE OF THE CLERK, MAY CERTIFY THE PLANNING BOARD'S ACTION.

(2) Premature Subdivision

An application for approval of a subdivision may be deemed premature by the Board where either of the following conditions are found to exist:

(a) The proposed subdivision will occur in a location where municipal services or facilities are overburdened or will become overburdened by the placement of additional demand thereon;

(b) The proposed subdivision is located where adequate municipal services are not available and are not as yet included in municipal plans of the city.

Where the Board finds the proposed subdivision to be premature, the Board may require that the proposed subdivision be altered, reduced, phased or deferred until the condition which causes it to be judged premature is corrected, removed or otherwise no longer exists.

PROPOSED CHANGES IN SUBDIVISION REGULATIONS RELATIVE TO FIRE SAFETY
CONSIDERATIONS

Add new subsection 9.14 which shall read:

- Page 73

9.14 FIRE LANE AND FIRE ACCESS

- (1) GENERAL REQUIREMENTS. ALL SUBDIVISIONS SHALL MAKE PROVISION FOR FIRE APPARATUS ACCESS TO STRUCTURES TO ALLOW FOR EFFECTIVE RESCUE AND FIREFIGHTING OPERATIONS.
- (2) REQUIRED IMPROVEMENTS.
 - (a) FIRE LANES SHALL BE PROVIDED FOR ANY OF THE FOLLOWING STRUCTURES WHICH ARE NOT COMPLETELY PROTECTED BY AN APPROVED AUTOMATIC FIRE PROTECTION SYSTEM:
 - (i) MULTI-FAMILY DWELLINGS WITH THE EXCEPTION OF ONE AND TWO STORY ATTACHED DWELLINGS;
 - (ii) ALL NON-RESIDENTIAL STRUCTURES TWO (2) OR MORE STORIES IN HEIGHT;
 - (iii) ALL NON-RESIDENTIAL STRUCTURES CONTAINING 4,000 SQUARE FEET OR MORE ON ANY FLOOR.
 - (b) ALL OTHER STRUCTURES SHALL HAVE FIRE ACCESS.
- (3) DESIGN STANDARDS.
 - (a) FIRE LANES SHALL:
 - (i) BE AT LEAST TWENTY FOUR (24) FEET WIDE;
 - (ii) BE LOCATED PARALLEL TO THE RIDGE LINE OF THE BUILDING OR EAVE LINE OF A FLAT ROOF AS SET FORTH IN TABLE 9-3;

TABLE 9-3

REQUIRED DISTANCE FROM BUILDING WALL TO NEAREST EDGE OF FIRE LANES

| <u>BUILDING HEIGHT IN STORIES</u> | <u>MINIMUM</u> | <u>MAXIMUM</u> |
|---------------------------------------|----------------|----------------|
| 1 | 15 | |
| 2 | 15 | 25 |
| 3 | 20 | 25 |
| 4 AND ABOVE | 25 | 25 |

- (iii) BE LOCATED ALONG ONE LONGITUDINAL SIDE OF THE STRUCTURE;
- (iv) BE A MINIMUM OF TWO THIRDS (2/3) OF THE BUILDING LENGTH.

- (v) BE LOCATED PARALLEL TO THE BUILDING SO THAT THE MID POINT OF THE FIRE LANE IS PERPENDICULAR TO THE MID POINT OF THE STRUCTURE;
- (vi) BE CAPABLE OF SUPPORTING AXLE LOADS OF EIGHTEEN (18) TONS;
- (vii) BE ADEQUATELY POSTED WITH SIGNS OR PAVEMENT MARKINGS;
- (viii) BE LOCATED ALONG A SIDE OF THE STRUCTURE WHICH HAS WALK-IN ACCESS TO INTERIOR OF THE STRUCTURE;
- (ix) HAVE NO TREES BETWEEN IT AND THE BUILDING.
- (b) FIRE LANES, WHERE SEPARATED FROM THE STRUCTURE BY PARKING SPACES, SHALL HAVE FIFTEEN (15) FOOT CORRIDORS BETWEEN VEHICLES FRONTING EACH WALK-IN ACCESS TO THE INTERIOR OF THE STRUCTURE.
- (c) FIRE ACCESS SHALL BE PROVIDED THROUGH AN UNOBSTRUCTED FIFTEEN (15) FOOT CORRIDOR FROM THE APPROPRIATE PAVED AREA TO THE MAIN WALK-IN ACCESS POINT OF THE STRUCTURE.

Amend subsection 9.04 (3)(f)(ii) to read:

- Page 61

- (ii) MINIMUM CURB RADIUS AT ANY INTERSECTION SHALL BE AT LEAST 30 FEET.

Add a new subsection 9.04 (3)(n) which shall read:

- Page 62

- (n) TRAFFIC ISLANDS. TRAFFIC ISLANDS WHEN USED AT ACCESS POINTS SHALL BE DESIGNED TO PROVIDE ENTRY ACCESS WHICH SHALL ACCOMMODATE AN EMERGENCY VEHICLE WITH INSIDE AND OUTSIDE TURNING PATHS OF THIRTY (30) FEET AND FIFTY (50) FEET RESPECTIVELY. DIRECTION OF RESPONSE OF SUCH VEHICLES CAN BE TAKEN INTO CONSIDERATION.

Amend subsection 9.05 (3)(f) to read as follows:

- Page 63

- (f) Driveways connecting parking lots to public or private streets shall be a minimum of twenty two (22) feet in width for two-way traffic flow and twelve (12) feet in width for one-way traffic flow, AND SHALL HAVE A MINIMUM CURB OR EDGE OF PAVEMENT RADIUS OF THIRTY (30) FEET.

Add a new subsection 9.12 (3)(c) which shall read:

- (c) There shall be an area twenty (20) feet wide around all structures for which a fire lane is required which shall be landscaped so that the use of ground ladders to provide access to windows and doors is not precluded.

Amend subsection 9.08 (3)(a) so as to add a new subsection (ii) which shall read: - Page 68

(a) Municipal Water System:

- (i) The applicant shall install facilities for the supply and distribution of water, including fire protection capabilities, in a manner prescribed by the construction standards and specifications of the City of Concord. Water mains shall be located within street rights-of-way unless topography dictates otherwise. When located in the right-of-way, water mains and appurtenant facilities shall be located in accordance with the typical street cross section as contained in Section 9.04. When water mains are located in easements across private property, said easements shall be unobstructed in perpetuity, shall be twenty-five (25) feet in width and shall provide satisfactory access to a street.
- (ii) INSURANCE SERVICES OFFICE (ISO) STANDARDS ARE TO BE FOLLOWED CONCERNING THE PLACEMENT AND SPACING OF HYDRANTS TO INSURE THAT ADEQUATE FIRE FLOW PROTECTION IS PROVIDED.

Amend Section 9.01(3)(c) to read as follows:

- (c) Reference to the construction standards and specifications of the DES shall mean the Construction Standards for Sanitary Sewer and Water Supply Systems of the NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES, AS MOST RECENTLY ADOPTED.

AMENDMENTS TO SUBDIVISION REGULATIONS

October 1989

City Planning Board
City of Concord, New Hampshire

NOTE: All new language is underlined.

AMENDMENTS TO SUBDIVISION REGULATIONS
FOR PRIVATE STREETS

Section 6.02 Definitions

*Common Private Drive: A shared means of access from lots having the required frontage on a public or private street.

*Private Street: A privately owned and maintained street which is allowed within certain zoning districts at the discretion of the Planning Board where access is legally available.

Section 9.04 Streets

(2) Required Improvements

(a) Access

(iii) Each lot shall have a safe, independent and direct access from a public street, or from a private street where said private street is approved by the Planning Board as authorized by the Zoning Ordinance. Where warranted . . . public or private street . . .

(d) Street Improvements

(viii) Street Names:

Paragraph No. 3 Names for private
drives and streets . . .

(3) Design Standards

(a) Right-of-Way and Traveled Way: Standards for the laying out of rights-of-way and traveled ways are contained in the following Table 9 - 1 and displayed on Figures 9A, 9B, 9C and 9D Typical Street Sections. Sections of arterial streets, marginal access roads and private drives will be as approved by the Planning Board upon recommendation from the City Engineer.

* All new language is underlined.

(e) Curbs: In all but low density residential districts and at intersections in all districts, curbing along public streets shall be vertical granite, five (5) inches in width, per State Specifications. Except at intersections in low density residential districts, curbing along public streets shall be sloped granite, per State Specifications. Curbing along private streets shall be sloped granite per State Specifications, except where the inner edge of sidewalk is less than five (5) feet from the inner edge of the curb or at crosswalks, where vertical granite curbing per State Specifications shall be used.

(h) Cul-de-sacs: Cul-de-sacs, or permanent dead-end streets, shall not exceed one thousand (1,000) feet in length and shall terminate in a circular turnaround with the following minimum dimensions: 1) a right-of-way diameter of one hundred sixty (160) feet, an outside edge of pavement diameter of one hundred fifty (150) feet, and a center island diameter of ninety-eight (98) feet if a public street; or 2) a right-of-way diameter of one hundred twenty-two (122) feet, an outside edge of pavement diameter of one hundred twelve (112) feet and a center island diameter of sixty (60) feet if a private street.

The Planning Board may permit a longer cul-de-sac which is temporary in nature, due to project phasing, provided that appropriate assurances are made as specified in Section 10.01 (2) (a) to assure the street is continued within a specified period of time.

(n) Private Street Side Slope Cuts and Fills: Where private streets cross wetlands, a 2:1 fill slope may be used to minimize environmental impacts, provided a State standard beam guardrail is located in a six (6) foot minimum width shoulder. A cut of 1:2 may be used in areas of stable ledge where there is a minimum eight (8) foot shoulder. In other locations, the shoulder shall have a minimum width of four (4) feet with a maximum side slope of 3:1 for both cuts and fills.

(o) Electric Utility Locations on Private Streets: Electric/Telephone/CATV utility conduit shall be a minimum of three (3) feet outside the inner face of the curb. Where possible, the electric utility easement shall be outside the street right-of-way and follow the sidewalk right-of-way easement.

Section 9.06 Sidewalks

(2) Required Improvements

- (a) Public sidewalks shall be provided within the dedicated right-of-way of all public streets in the various density districts as shown in Table 9-2 below. Private sidewalks parallel to private streets may or may not be located within the dedicated right-of-way of the private street. Where the private sidewalk is not within the private street right-of-way, it shall have its own right-of-way or easement. The Planning Board may require private sidewalks parallel to private streets in the various density districts as shown in Table 9-2, below.

(3) Design Standards

- (a) Sidewalks (if required) shall be provided within the street right-of-way if public, or in or parallel to the street right-of-way if private, in accordance with the typical street cross-section as contained in Section 9.04.
- (h) Easements or rights-of-way for pedestrian passage if a public sidewalk not within the street right-of-way shall be at least twenty (20) feet in width within which a pathway of at least five (5) feet in width shall be prepared and duly designated. Easements or rights-of-way for pedestrian passage shall be at least ten (10) feet in width if a private sidewalk where it overlaps or abuts a private street right-of-way, or at least fifteen (15) feet in width where it is separate from the private street right-of-way, within which a pathway of at least five (5) feet in width shall be prepared and duly designated. The design of such pathways shall be approved by the Planning Board upon recommendation of the City Planning Department and Engineering Departments.

Section 10.01 Improvements and Assurances - General

- (1) Completion of Improvements: Before . . . City Engineer, all public improvements, private streets and sidewalks, and those . . .
- (2) Assurances
 - (a) Second paragraph.
No subdivision plat . . . required public improvements, private streets and sidewalks, and lot improvements . . .

- (b) The amount . . . required public and/or private improvements . . .

Section 10.02 Inspection of Improvements

(2) Release or Reduction of Assurances.

- (a) Certificate of Satisfactory Completion: The applicant's engineer or surveyor shall submit to the City Engineer a detailed "as-built" survey plat of the subdivision, indicating location, dimensions, materials, and other information required by the Planning Board. The applicant's engineer shall certify to the City Engineer that the layout of the line and grade of all public and required private improvements are in accordance with construction plans for the subdivision. The applicant shall also submit evidence of the existence of a title insurance policy to the City Solicitor. The Planning Board will not release nor reduce an assurance until the City Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed. If the improvements are public, the City Engineer shall also certify that said improvements required are ready for dedication to the local government, and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the Planning Board shall thereafter accept the public improvements for dedication in accordance with established procedure.
- (b) Reduction of Assurances: An assurance shall be reduced upon actual dedication of public improvements and then only to the ratio that the public improvement so dedicated bears to the total public improvement of the subdivision plat. An assurance shall be reduced upon approval by the Planning Board of the City Engineer's certificate of completion of required private improvements and then only to the ratio that the private improvements so certified bears to the total required private improvements for the subdivision plat. In no event shall an assurance be reduced below twenty-five percent (25%) of the principal amount until all improvements are completed and dedicated.

Section 10.04 Maintenance of Improvements

- (3) Where the applicant is constructing private streets and sidewalks, the applicant and assigns shall establish and operate a separate fund for the maintenance, repair and replacement of said improvements. The applicant shall file documents which show the legal and financial ability of the applicant and assigns to maintain, repair and replace said improvements in an initial amount considered adequate by the City Engineer and in a form satisfactory to the City Solicitor. Should the City be petitioned to take ownership of said improvements, it may levy a one-time special assessment equal to the difference in the cost between making repairs and replacing facilities and the amount in said fund at the time of transfer of ownership.

TABLE 9 - 1

| | R.O.W. | T.W. | Grade Max. | Min. | Min Rad | Min Tan | S.D. | D. S. |
|--------------------|--------|------|---------------|------|------------|------------|------|-------|
| Private Street (d) | 50 | 28 | 8 | 0.5 | 100 | 150 | 200 | 30 |
| Private Street (e) | 50 | 26 | 8 | 0.5 | 100 | 150 | 200 | 30 |

FOOTNOTES

- d. Where the private street is anticipated to have 1,000 or more vehicle trips per day.
- e. Where the private street is anticipated to have less than 1,000 vehicle trips per day, including through trips, at project completion.

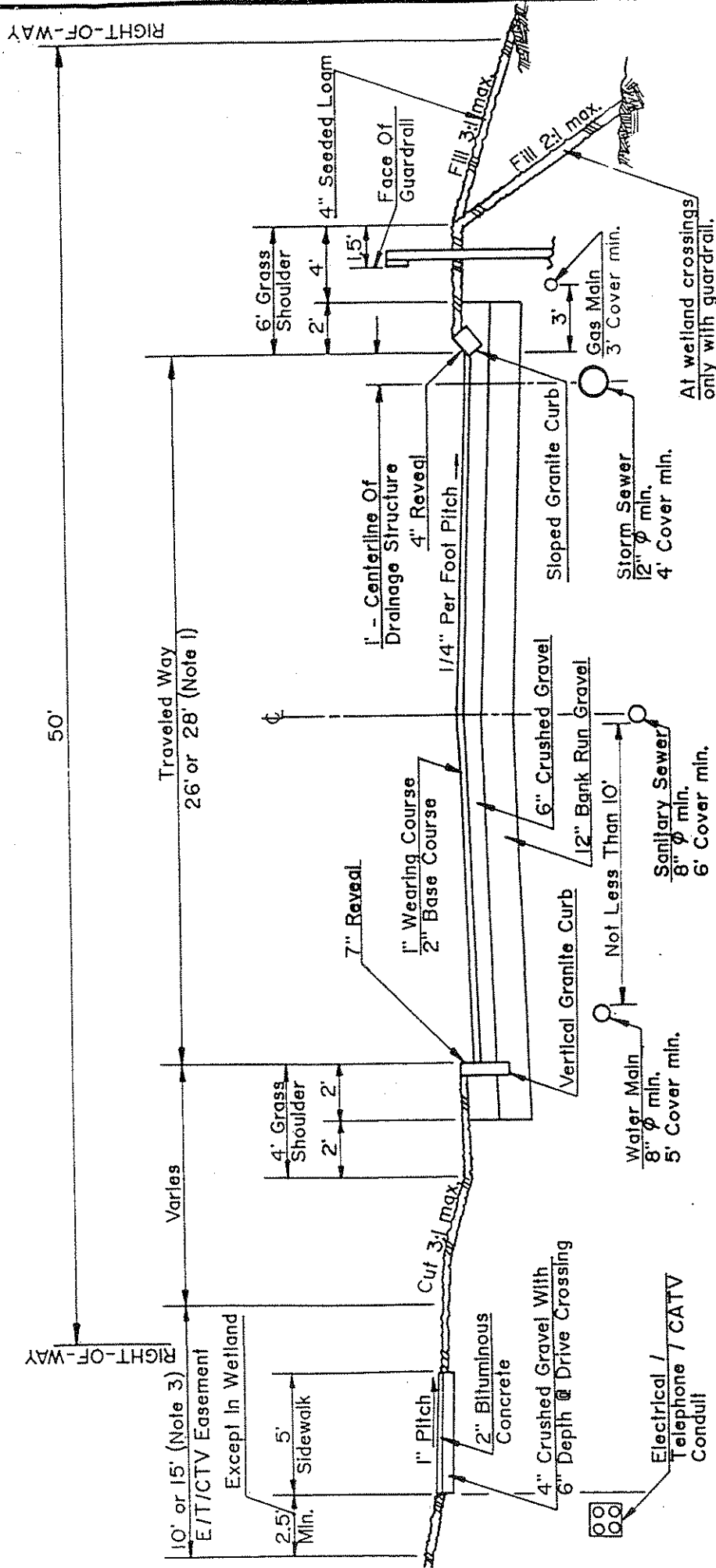
TABLE 9 - 2

SIDEWALKS REQUIRED

Density Districts

Residential Non-Residential

| <u>Street Classification</u> | <u>Low</u> | <u>Medium</u> | <u>High</u> | <u>Low</u> | <u>Medium & High</u> |
|------------------------------|------------|---------------|-------------|------------|--------------------------|
| <u>Private Street</u> | <u>*</u> | <u>*</u> | <u>*</u> | <u>NA</u> | <u>NA</u> |



Looking NORTH or EAST

No Scale

Notes:

1. Traveled way is 28 ft. wide where traffic flow is 1,000 V.P.D. or greater. Otherwise traveled way is 26 ft. wide.
2. Vertical curb only where edge of sidewalk is within 5 ft. of curb. Otherwise use sloped curb.
3. Sidewalk and electric utilities easement is a minimum of 10 ft. wide where it overlaps or is adjacent to the street right-of-way. Otherwise this easement is a minimum of 15 ft. wide.

4. Grass shoulder is a minimum of 4 ft. wide except at wetland crossing where it is 6 ft. wide with guard rail and 8 ft. wide in ledge cuts.

August, 1989
Rev.

AMENDMENTS TO SUBDIVISION REGULATIONS

February 1990

City Planning Board
City of Concord, New Hampshire

rev. 2/21/90

Delete existing subsection 7.02(1)(e) and replace with the following:

7.02 Minor Subdivision Procedures

(e) Application Fee: Any application for the approval of a minor subdivision shall be accompanied by a non-refundable fee according to the following schedule:

(i) Application for subdivision or resubdivision:

One hundred dollars (\$100.00) plus fifty dollars (\$50.00) for each lot within the subdivision.

(ii) Application for condominium conversion:

One hundred dollars (\$100.00) plus fifty dollars (\$50.00) for each dwelling unit and/or fifty dollars (\$50.00) for each 1,000 square feet of gross non-residential floor area or part thereof. Fees for that portion of a condominium conversion applying to existing development shall be reduced by fifty percent (50%).

Delete existing subsection 7.03 (1)(i) and replace with the following:

7.03 Major Subdivision Procedure

(i) Application Fee: Any application for the approval of a major subdivision shall be accompanied by a non-refundable fee according to the following schedule:

(i) Application for subdivision or resubdivision:

One hundred dollars (\$100.00) plus fifty dollars (\$50.00) for each lot within the subdivision.

(ii) Application for condominium conversion:

One hundred dollars (\$100.00) plus fifty dollars (\$50.00) for each dwelling unit and/or fifty dollars (\$50.00) for each 1,000 square feet of gross non-residential floor area or part thereof. Fees for that portion of a condominium conversion applying to existing development shall be reduced by fifty percent (50%).

AMENDMENTS TO SUBDIVISION REGULATIONS

June 1991

**City Planning Board
City of Concord, New Hampshire**

rev. 6/28/91

Amend Section 6.02 Definitions by adding the following definitions:

*Date of Final Approval: The date when the Chair and the Clerk of the Board endorse the original mylar of the subdivision plat.

*Date of Final Resolution: The date when the Planning Board either approves, modifies and approves, approves with conditions, or disapproves a final plat.

Amend the second paragraph of Section 7.03(5)(g) Public Improvements to read as follows:

In the final resolution, the Planning Board shall stipulate the time within which the financial guarantee shall be filed. In no event shall a financial guarantee be submitted later than six (6) months from the date of final resolution. All other required documents shall be filed and procedures completed within one (1) year from the date of final resolution. The time stipulated by the the Planning Board for completion of required improvements under the terms of the guarantee shall not exceed two (2) years from the date of final approval.

Amend Section 7.03(5)(i)(iii) to read as follows:

- (iii) Any final plat not endorsed by the Chair and the Clerk of the Board within one (1) year of the date of final resolution shall be void. A new three stage application and approval process shall then be required.

AMENDMENTS TO SUBDIVISION REGULATIONS

December 1991

City Planning Board
City of Concord, New Hampshire

rev. 12/23/91

Delete existing subsection 7.02(1)(e) and replace with the following:

7.02 Minor Subdivision Procedures

- (e) Application Fee: Any application for the approval of a minor subdivision shall be accompanied by a non-refundable fee according to the following schedule:

- (i) Application for subdivision or resubdivision:

One hundred fifty dollars (\$150.00) plus sixty dollars (\$60.00) for each new lot within the subdivision.

- (ii) Application for condominium conversion:

One hundred fifty dollars (\$150.00) plus sixty dollars (\$60.00) for each dwelling unit and/or sixty dollars (\$60.00) for each 1,000 square feet of gross non-residential floor area or part thereof. Fees for that portion of a condominium conversion applying to existing development shall be reduced by fifty percent (50%).

Delete existing subsection 7.03 (1)(i) and replace with the following:

7.03 Major Subdivision Procedure

- (i) Application Fee: Any application for the approval of a major subdivision shall be accompanied by a non-refundable fee according to the following schedule:

- (i) Application for subdivision or resubdivision:

One hundred fifty dollars (\$150.00) plus sixty dollars (\$60.00) for each new lot within the subdivision.

- (ii) Application for condominium conversion:

One hundred fifty dollars (\$150.00) plus sixty dollars (\$60.00) for each dwelling unit and/or sixty dollars (\$60.00) for each 1,000 square feet of gross non-residential floor area or part thereof. Fees for that portion of a condominium conversion applying to existing development shall be reduced by fifty percent (50%).

AMENDMENTS TO SUBDIVISION REGULATIONS

November 1992

**City Planning Board
City of Concord, New Hampshire**

Delete existing subsection 7.02(1)(e) and replace with the following:

7.02 Minor Subdivision Procedures

(e) Application Fee: Any application for the approval of a minor subdivision shall be accompanied by a non-refundable fee according to the following schedule:

(i) Application for subdivision or resubdivision:

Two hundred dollars (\$200.00) plus sixty dollars (\$60.00) for each new lot within the subdivision.

(ii) Application for condominium conversion:

Two hundred dollars (\$200.00) plus sixty dollars (\$60.00) for each dwelling unit and/or sixty dollars (\$60.00) for each 1,000 square feet of gross non-residential floor area or part thereof. Fees for that portion of a condominium conversion applying to existing development shall be reduced by fifty percent (50%).

Delete existing subsection 7.03 (1)(i) and replace with the following:

7.03 Major Subdivision Procedure

(i) Application Fee: Any application for the approval of a major subdivision shall be accompanied by a non-refundable fee according to the following schedule:

(i) Application for subdivision or resubdivision:

Two hundred dollars (\$200.00) plus sixty dollars (\$60.00) for each new lot within the subdivision.

(ii) Application for condominium conversion:

One hundred fifty dollars (\$150.00) plus sixty dollars (\$60.00) for each dwelling unit and/or sixty dollars (\$60.00) for each 1,000 square feet of gross non-residential floor area or part thereof. Fees for that portion of a condominium conversion applying to existing development shall be reduced by fifty percent (50%).

AMENDMENTS TO SUBDIVISION REGULATIONS

December 1994

**City Planning Board
City of Concord, New Hampshire**

11/23/94

Delete existing subsection 7.02(1)(e) and replace with the following:

7.02 Minor Subdivision Procedures

(e) Application Fee: Any application for the approval of a minor subdivision shall be accompanied by a non-refundable fee according to the following schedule:

(i) Application for subdivision or resubdivision:

Two hundred dollars (\$200.00) plus sixty five dollars (\$65.00) for each new lot within the subdivision.

(ii) Application for condominium conversion:

Two hundred dollars (\$200.00) plus sixty five dollars (\$65.00) for each dwelling unit and/or sixty five dollars (\$65.00) for each 1,000 square feet of gross non-residential floor area or part thereof. Fees for that portion of a condominium conversion applying to existing development shall be reduced by fifty percent (50%).

Delete existing subsection 7.03 (1)(i) and replace with the following:

7.03 Major Subdivision Procedure

(i) Application Fee: Any application for the approval of a major subdivision shall be accompanied by a non-refundable fee according to the following schedule:

(i) Application for subdivision or resubdivision:

Two hundred dollars (\$200.00) plus sixty five dollars (\$65.00) for each new lot within the subdivision.

(ii) Application for condominium conversion:

Two hundred dollars (\$200.00) plus sixty five dollars (\$65.00) for each dwelling unit and/or sixty five dollars (\$65.00) for each 1,000 square feet of gross non-residential floor area or part thereof. Fees for that portion of a condominium conversion applying to existing development shall be reduced by fifty percent (50%).

AMENDMENTS TO SUBDIVISION REGULATIONS

November 1995

**City Planning Board
City of Concord, New Hampshire**

11/15/95

Delete existing subsection 7.02(1)(e) and replace with the following:

7.02 Minor Subdivision Procedures

(e) Application Fee: Any application for the approval of a minor subdivision shall be accompanied by a non-refundable fee according to the following schedule:

(i) Application for subdivision or resubdivision:

Two hundred dollars (\$210.00) plus sixty five dollars (\$65.00) for each new lot within the subdivision.

(ii) Application for condominium conversion:

Two hundred dollars (\$210.00) plus sixty five dollars (\$65.00) for each dwelling unit and/or sixty five dollars (\$65.00) for each 1,000 square feet of gross non-residential floor area or part thereof. Fees for that portion of a condominium conversion applying to existing development shall be reduced by fifty percent (50%).

Delete existing subsection 7.03 (1)(i) and replace with the following:

7.03 Major Subdivision Procedure

(i) Application Fee: Any application for the approval of a major subdivision shall be accompanied by a non-refundable fee according to the following schedule:

(i) Application for subdivision or resubdivision:

Two hundred dollars (\$210.00) plus sixty five dollars (\$65.00) for each new lot within the subdivision.

(ii) Application for condominium conversion:

Two hundred dollars (\$210.00) plus sixty five dollars (\$65.00) for each dwelling unit and/or sixty five dollars (\$65.00) for each 1,000 square feet of gross non-residential floor area or part thereof. Fees for that portion of a condominium conversion applying to existing development shall be reduced by fifty percent (50%).

**AMENDMENT
CITY OF CONCORD
SUBDIVISION REGULATIONS**

July 1997

**City Planning Board
City of Concord, New Hampshire**

Adopted: 7/17/97

Add the following new section - Section 7A Procedure for Voluntary Merger - which reads as follows:

Section 7A. Voluntary Merger

7A.01 Procedure for Voluntary Merger:

- (a) General: An owner of two (2) or more contiguous existing lots or parcels who wishes to merge them may do so by applying to the Planning Department. Except where such merger will create a violation of City Ordinance or Regulation, all requests for voluntary merger shall be approved. No public hearing or notice is required for a voluntary merger. No such merged parcel shall thereafter be separately transferred without subdivision approval.
- (b) Delegation: The Planning Board, pursuant to RSA 674:39-a, has delegated the review and approval for Voluntary Mergers to the Clerk of the Planning Board.
- (c) Application Fees: Any application for approval of a Voluntary Merger shall be accompanied by a non-refundable fee of \$60.

7A.02 Application Requirements: The applicant shall file with the Planning Department a request for Voluntary Merger. A complete application is one which shall:

- (a) be made on a form available at the Planning Department and completing on said form the following information:
 - i) Owner's name and mailing address and telephone number;
 - ii) Tax Assessor's Map/Block and Lot for each parcel;
 - iii) Tax Assessor's Tract Number(s) for each parcel;
 - iv) Title Reference by Book & Page Number in the Merrimack County Registry of Deeds for each parcel;
 - v) Street address or address range for each parcel; and
 - vi) Owner's signature.
- (b) a copy of the deed for each parcel;
- (c) if a survey drawing is to be recorded at the request of the applicant, the survey drawing shall conform to the requirements of the Merrimack County Registry of Deeds; and
- (d) include the application fee which is due and payable upon submission.

- 7A.03 Approval: Once the Clerk has determined the application to be complete, that the information submitted is accurate, and that the Voluntary Merger will not create a violation of City Ordinance or Regulation, the Clerk shall approve the application.
- 7A.04 Recording of Documents: Once the Clerk has approved the application the Planning Department shall prepare the Notice of Lot Consolidation. The Owner(s) and the Clerk shall sign said notification. It shall be the responsibility of the Clerk to record said notification, and any accompanying survey drawing, at the Merrimack County Registry of Deeds within thirty (30) days of date of signature.

AMENDMENTS TO THE SUBDIVISION REGULATIONS

City Planning Board
City of Concord, N.H.

March 3, 2003

- I. Amend Section 9. **DESIGN STANDARDS AND REQUIREMENTS FOR IMPROVEMENTS**, by deleting footnote c. from Table 9-1 of Section 9.04(3)(a), relative to the minimum width of the traveled way of a Common Private Drive, and re-designating footnote d. as footnote c. The current footnote c., which is to be deleted, reads as follows:

“c. At the discretion of the Board, may be reduced to 18 feet in low density Residential Districts where such drive will serve 10 or fewer dwelling units.”
- II. Further amend Section 9. **DESIGN STANDARDS AND REQUIREMENTS FOR IMPROVEMENTS**, by adding a new Section 9.04(3)(p) entitled, Common Private Drives, as follows:

9.04(3)(p) Common Private Drives. The length of a common private drive shall not exceed 1,000 feet as measured from the edge of the traveled way of the public street that provides access to the common private drive. Where the public street that provides access to the common private drive is a cul de sac or dead end street, the length of the common drive plus the length along the cul de sac or dead end street shall not exceed 1,000 feet as measured from the edge of the traveled way of the public street that provides access to the cul de sac or dead end street. Common private drives shall terminate in a turnaround which shall meet the standards of Section 9.04(3)(i), Temporary Turnaround, of the Subdivision Regulations.
- III. These amendments to the Subdivision Regulations shall take effect upon adoption by the Planning Board after a duly noticed public hearing, and upon the subsequent certification of these amendments to the City Clerk in accordance with RSA 675:6 III.

• AMENDMENTS TO THE
SUBDIVISION REGULATIONS

City Planning Board
City of Concord, N.H.

March 18, 2003

- I. Amend Section 9. **DESIGN STANDARDS AND REQUIREMENTS FOR IMPROVEMENTS**, by replacing Section 9.03(3)(b)(i), which presently reads as follows:

“Each lot shall contain within the lot at minimum, a contiguous area of useable land equal to the maximum lot coverage of building and parking as established in the Zoning Ordinance.”

Said Section 9.03(3)(b)(i) shall be replaced with the following:

“Each lot shall contain within the lot a minimum contiguous area of useable land equal to the lesser of the area obtained by applying the maximum lot coverage to the minimum lot size, or 10,000 (ten thousand) square feet. The maximum lot coverage as referenced herein shall be as established in the dimensional regulations for each of the zoning districts in the Zoning Ordinance. The minimum contiguous area of useable land shall be rectangular in shape with no horizontal dimension which is less than sixty (60) feet, and shall be exclusive of any land within the required yard setbacks and within buffers for wetlands, bluffs, and shorelands as required by the Zoning Ordinance ”

- II. This amendment to the Subdivision Regulations shall take effect upon adoption by the Planning Board after a duly noticed public hearing, and upon the subsequent certification of the amendment to the City Clerk in accordance with RSA 675:6 III.

AMENDMENTS TO THE SUBDIVISION REGULATIONS

City Planning Board
City of Concord, N.H.

January 21, 2004

I. Amend **Section 7. SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS**, by deleting the current Sections 7.02(1)(e) and 7.03(1)(i), respectively entitled, Application Fee, and replacing said Sections with the following:

7.02(1)(e) Application Fee. Any application for the approval of a *minor* subdivision shall be accompanied by a non-refundable fee according to the following schedule:

- i) Application for a minor subdivision or resubdivision:

Two hundred fifty dollars (\$250.00) plus one hundred dollars (\$100.00) for each new lot within the subdivision.

- ii) Applications for condominium declaration:

Two hundred fifty dollars (\$250.00) plus one hundred dollars (\$100.00) for each dwelling unit and/or one hundred dollars (\$100.00) for each one thousand (1,000) square feet of gross non-residential floor area or part thereof.

- iii) Applications for condominium conversion of an existing development:

Two hundred fifty dollars (\$250.00) plus fifty dollars (\$50.00) for each dwelling unit and/or fifty dollars (\$50.00) for each one thousand (1,000) square feet of gross non-residential floor area or part thereof.

- iv) Applications that have been set for a public hearing with notice provided, and for which the applicant requests that the hearing be re-scheduled:

Two hundred fifty dollars (\$250.00) for each occasion that a public hearing is requested to be re-scheduled after notice of a hearing is already posted and mailed.

- v) Applications that have been granted final approval or conditional final approval by the Planning Board, and for which subsequent consideration by the Board is requested by the applicant or otherwise necessitated by changes to the approved plans:

*Proposed Amendments to the Subdivision Regulations
January 21, 2004*

Two hundred fifty dollars (\$250.00) for each discrete consideration of the plans by the Board.

- vi) Applications for which the plat and related legal documents have been recorded at the Merrimack County Registry of Deeds (MCRD), and for which corrected plats, corrected legal documents, or additional legal documents are subsequently submitted for recording at the MCRD:

Fifty dollars (\$50.00) plus the cost of the recording fees as charged by the MCRD.

- 7.03(1)(i) Application Fee: Any application for the approval of a *major* subdivision shall be accompanied by a non-refundable fee according to the following schedule:

- (i) Application for subdivision or resubdivision:

Two hundred fifty dollars (\$250.00) plus one hundred twenty-five dollars (\$125.00) for each new lot within the subdivision.

- (ii) Applications for condominium declaration:

Two hundred fifty dollars (\$250.00) plus one hundred dollars (\$100.00) for each dwelling unit and/or one hundred dollars (\$100.00) for each one thousand (1,000) square feet of gross non-residential floor area or part thereof.

- (iii) Applications for condominium conversion of an existing development:

Two hundred fifty dollars (\$250.00) plus fifty dollars (\$50.00) for each dwelling unit and/or fifty dollars (\$50.00) for each one thousand (1,000) square feet of gross non-residential floor area or part thereof.

- (iv) Applications that have been set for a public hearing with notice provided, and for which the applicant requests that the hearing be re-scheduled:

Two hundred fifty dollars (\$250.00) for each occasion that a public hearing is requested to be re-scheduled after notice of a hearing is already posted and mailed.

- (v) Applications that have been granted final approval or conditional final approval by the Planning Board, and for which subsequent consideration by the Board is requested by the applicant or otherwise necessitated by changes to the approved plans:

Two hundred fifty dollars (\$250.00) for each discrete consideration of the plans by the Board.

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- vi) Applications for which the plat and related legal documents have been recorded at the Merrimack County Registry of Deeds (MCRD), and for which corrected plats, corrected legal documents, or additional legal documents are subsequently submitted for recording at the MCRD:

Fifty dollars (\$50.00) plus the cost of the recording fees as charged by the MCRD.

II. These amendments to the Subdivision Regulations shall take effect upon adoption by the Planning Board after a duly noticed public hearing, and upon the subsequent certification of the adopted amendments to the City Clerk in accordance with RSA 675:6 III.

